

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-05-0621-06	REGULATORY ACTION NUMBER 05-0703-03	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Social Services			

Original

FILED
in the office of the Secretary of State
of the State of California

AUG 11 2006

At 3 O'clock 51 M.
Christine Sacconi

AGENCY FILE NUMBER (If any)
ORD #1103-28

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn	NOTICE REGISTER NUMBER 05-#262		PUBLICATION DATE 7-1-2005

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) FCCH Reporting Requirements and FCC Consumer Awareness Information	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 06-0419-03S
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT Sections 102416.2 and 102416.3 AMEND Sections 102419 and 102423 REPEAL
TITLE(S) Title 22 & MPP	
3. TYPE OF FILING	
☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.	
☐ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Other (specify) _____	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) December 23, 2005 through January 9, 2006 and June 5 through June 20, 2006	
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d)) ☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal	
☐ Other (Specify) _____	
7. CONTACT PERSON Alison Garcia, Manager, Office of Regs.	TELEPHONE NUMBER (916) 657-2586
FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) Alison.Garcia@dss.ca.gov

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Cliff Allenby
TYPED NAME AND TITLE OF SIGNATORY
Cliff Allenby, Interim Director

DATE

JUN 29 2006

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.

Adopt Section 102416.2 to read:

Post-hearing: Renumber Sections 102416.2(e), (f), and (d) to Sections 102416.2(d), (e), and (f) respectively, and Amend Sections 102416.2(d), (f), (g), (h), and (i) to read:

Post-15-day Renote: Amend Section 102416.2 to read:

102416.2 REPORTING REQUIREMENTS

102416.2

- (a) The licensee shall report the following information to the Department by telephone or fax within the Department's next business day and during normal working hours (8am to 5pm).
 - (1) If the applicant or licensee operates a foster family home as defined in Health and Safety Code Section 1502(a)(5) or a certified family home as defined in Health and Safety Code Section 1506(d).
 - (2) Any change in household composition including adults moving in or out of the home and anyone living in the home who reaches his or her 18th birthday.
- (b) The licensee shall report to the Department any of the events as specified in Health and Safety Code Sections 1597.467(b)(1)(A) through (b)(1)(C) that occur during the operation of the family child care home.
 - (1) Medical treatment means treatment by a medical professional, as defined in Section 101152(m).
 - (2) Any child absence means any instance where a child in care is missing. For example, any child in care who wanders away from the Family Child Care Home, is lost during an outing, or does not return from school, shall be reported even if the child is later found safe.

HANDBOOK BEGINS HERE

- (3) Health and Safety Code Section 1597.467(b)(1) provides in part:

"A report shall be made to the Department . . . following the occurrence during the operation of a family day care home of any of the following events:

- (A) Death of any child from any cause.
- (B) Any injury to any child that requires medical treatment.
- (C) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child."

HANDBOOK ENDS HERE

- (c) In addition to the events specified in Health and Safety Code Sections 1597.467(b)(1)(A) through (b)(1)(C), the licensee shall report the following events to the Department:

- (1) Any suspected child abuse or neglect, as defined in Penal Code Section 11165.6, of any child in care, in addition to reporting requirements pursuant to Penal Code Section 11166.
- (2) Fires or explosions occurring in or on the premises of the family child care home.
 - (A) Within 24 hours, the licensee additionally shall report to the local fire authority, or in areas not having organized fire services, to the State Fire Marshal.
- (3) A communicable disease outbreak when determined by the local health authority.
- (4) Poisonings.
- (d) The licensee shall report to the Department as provided by Health and Safety Code Sections 1597.467(b)(1) and (2).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1597.467(b)(1) provides in part:

"A report shall be made to the department by telephone or fax during the department's normal business hours before the close of the next working day following the occurrence during the operation of a family day care home of . . . the . . . events:"
- (2) Health and Safety Code Section 1597.467(b)(2) provides:

"In addition to the report required pursuant to paragraph (1), a written report shall be submitted to the department within seven days following the occurrence of any events specified in paragraph (1). The report shall contain all of the following information:

 - (A) Child's name, age, sex, and date of admission.
 - (B) Date and nature of the event.
 - (C) Attending physician's name and findings and treatment, if any.
 - (D) Disposition of the case."

HANDBOOK ENDS HERE

- (e) The written report shall be either Form LIC 624B (8/06) Unusual Incident/Injury Report – Family Child Care Home, or a letter that includes the following information, in addition to that required by Health and Safety Code Sections 1597.467(b)(2)(A) through (b)(2)(D):
 - (1) Child's date of birth.
 - (2) Child's or parent's primary language, (e.g., English, Spanish, Chinese, Russian).

- (3) Time the incident or injury happened.
 - (4) Date that the parent or authorized representative was notified their child was injured or subjected to any act of violence.
 - (5) Description of how the incident or injury happened and name of the child(ren) or adult(s) that may have been involved as well as any steps taken to prevent the incident or injury from recurring.
 - (6) Name and telephone number of any physician or other health care provider that examined the child.
 - (7) Any agency notified, person contacted, date of the contact, and the telephone or fax number of that agency or person.
- (f) As soon as possible but no later than the same business day, the licensee shall notify a child's parent or authorized representative of the injuries or acts that affect that child as specified in Health and Safety Code Section 1597.467(a).
- (1) Any injury suffered by a child in care shall be reported to that child's parent or authorized representative regardless of treatment by a medical professional.
 - (2) Reportable acts of violence include, but are not limited to, those that occur whenever any child in care is a victim of, or subjected to witnessing, others' use of great physical force resulting in bodily harm, or dangerous activity, such as illegal drug use or gunfire.

HANDBOOK BEGINS HERE

- (3) Health and Safety Code Section 1597.467(a) provides in part:

"Whenever any licensee . . . has reasonable cause to believe that a child in his or her care has suffered any injury or has been subjected to any act of violence while under the licensee's care, the licensee shall, as soon as possible, report that injury or act of violence to the parent, parents, or guardian of that child."

HANDBOOK ENDS HERE

- (g) In addition to the requirements of Health and Safety Code Section 1597.467(a), no later than the same business day, the licensee shall notify a child's parent or authorized representative of the events to be reported to the Department pursuant to Sections 102416.2(b) and (c) that affect that child.
- (h) The licensee shall keep a copy of the letter or completed LIC 624B (8/06) (Unusual Incident/Injury Report – Family Child Care Home) in the child's record for the time period specified in Section 102421(a)(1).

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1502, 1506, 1596.72, 1596.73, and 1597.467, Health and Safety Code; Sections 11165.6 and 11166, Penal Code.

Adopt Section 102416.3 to read:

Post-hearing: Renumber Section 102416.3(a)(2) to Section 102416.3(b) and Amend Section 102416.3(a)(1)(F) to read:

Post-15-day Renote: Amend Section 102416.3 to read:

102416.3 ALTERATIONS TO EXISTING BUILDING OR GROUNDS

102416.3

- (a) Prior to making alterations or additions to a family child care home or grounds, the licensee shall notify the Department of the proposed changes, including, but not limited to, the following:
- (1) Conversion of a garage (either attached or detached) into a "child care" room.
 - (2) Room additions to the family child care home.
 - (3) Installation of in-ground or above-ground swimming pools, spas, fish ponds, decorative water feature, fountains or other bodies of water.
 - (4) Construction of exterior decks or porches.
 - (5) Construction of play equipment including swing sets/climbing structures.
 - (6) Any change from an area of the family child care home previously identified as "off limits" to an area where care and supervision will be provided to children in care.
- (b) The licensee shall provide the Department with a copy of an inspection report when an inspection is required by the local building inspector as a result of the alteration, addition or construction.

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72 and 1596.73, Health and Safety Code.

Amend Section 102419 to read:

Post-hearing: Amend Sections 102419(d), (e), and (e)(1) to read:

Post-15-day Renotice: Amend Section 102419 to read:

102419 ADMISSION PROCEDURES AND PARENTAL AND
AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)

102419

- (c) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02 6/05), Caregiver Background Check Process form. (Continued)
- (d) At the time of acceptance of each child into care ~~and for all children in care on August 7, 2002,~~ the licensee shall provide the child's parent or authorized representative with a copy of the notice ~~form~~ Family Child Care Home Notification of Parents' Rights, LIC 995A (8/02 8/06), Family Child Care Home Notification of Parents' Rights, and the Caregiver Background Check Process, LIC 995E (6/05), Caregiver Background Check Process form and the Family Child Care Consumer Awareness Information, LIC 9212 (10/05).
- (1) The licensee shall request the child's parent or authorized representative to sign and date the bottom portion of the notice form LIC 995A (8/02 8/06), which acknowledges that the parent or authorized representative has received and read the LIC 995A. The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights and received a copy of the Caregiver Background Check Process, LIC 995E (08/02 6/05), Caregiver Background Check Process form and the Family Child Care Consumer Awareness Information, LIC 9212 (10/05). (Continued)
- (g) If a child's parent or authorized representative refuses to sign the LIC 995A (8/02 8/06), a dated notation to that effect, containing the parent or authorized representative's name and telephone number, shall be kept in the child's record.
- (h) The licensee shall provide a copy of the Department issued Addendum to Notification of Parent's Rights (Regarding Removal/Exclusion) (LIC 995B Rev (05/03)), sent by the Department, that is still in effect, to one parent or authorized representative of every child when the parent or authorized representative arranges for child care services or on the first day the child receives care, whichever is first. (Continued)
 - (2) The licensee may provide the parent or authorized representative with the Family Child Care Home Explanation of Removals/Exclusions and Reinstatement, LIC 995D (5/03).
- (i) The licensee shall obtain a signed and dated receipt from one parent or authorized representative that acknowledges that he/she was given a copy of the addendum specified in Section 102419(h) and (h)(1): and

- (j) ~~The licensee shall maintain copies of the signed and dated receipt required in Section 102419~~ (i) in each child's file record for the time period specified in Section 102421(a)(1).
- (j) Copies of the signed receipt shall be ~~made~~ available to the Department ~~upon request~~ as provided in Section 102391(d).

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.853, 1596.857, 1596.859, ~~1596.872,~~ 1596.874, 1597.07, 1597.30, and 1597.56, Health and Safety Code.

Amend Section 102423 to read:

Post-hearing: Amend Section 102423 to read:

Post-15-day Renotice: Amend Section 102423 to read:

102423 PERSONAL RIGHTS (Continued)

102423

- (b) ~~The licensee shall give authorized representatives of children in care a consumer education and awareness handout. The Department shall provide this handout and distribute it to licensees.~~

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections ~~1596.81(b)~~ and 1597.30, Health and Safety Code.

UNUSUAL INCIDENT/INJURY REPORT - FAMILY CHILD CARE HOME

1. FACILITY LICENSE NUMBER:		2. LICENSEE NAME:			
3. FACILITY NAME:		4. FACILITY ADDRESS:			
5. Name of Child(ren) Involved	6. Birth Date/Age	7. Sex M / F	8. Admission Date	9. Primary Language	10. Date/Time of Incident/Injury

11. EVENT REPORTED TO THE DEPARTMENT (CHECK ALL THAT APPLY)

- a. ☐ Death of any child from any cause.
b. ☐ Any injury to a child that requires treatment by a medical professional.
c. ☐ Any child absence meaning any instance where a child in care is missing.
d. ☐ Any suspected child abuse or neglect of any child in care. (Must also be reported to local law enforcement or Child Protective Services.)
e. ☐ Fires or explosions in or on the premises of the family child care home.
f. ☐ A communicable disease outbreak when determined by the local health authority.
g. ☐ Poisonings
h. ☐ Other incident that threatens the physical or emotional health and safety of any child.

12. DESCRIBE WHAT HAPPENED:

13. BRIEFLY DESCRIBE THE INJURY, IF ANY:

14. DESCRIBE STEPS TAKEN TO PREVENT THIS INCIDENT OR INJURY IN THE FUTURE:

15. NAME OF PHYSICIAN OR OTHER HEALTH CARE PROVIDER, IF APPLICABLE:

16. PHYSICIAN OR HEALTH CARE PROVIDER TELEPHONE NUMBER:

17. NAME AND TELEPHONE NUMBER OF PARENT(S) OR AUTHORIZED REPRESENTATIVE:

18. DATE THE PARENT/AUTHORIZED REPRESENTATIVE OF THE AFFECTED CHILD WAS NOTIFIED:

19. Agency(ies) Notified	20. Name of Person(s) Contacted	21. Date	22. Telephone or Fax
☐ State Child Care Licensing			()
☐ County Child Care Licensing			()
☐ Child Protective Services			()
☐ Law Enforcement			()
23. LICENSEE SIGNATURE		24. TELEPHONE NUMBER. ()	25. DATE:

(TO BE COMPLETED BY DEPARTMENT)

Date report received in Licensing Office: _____ Date report reviewed and logged : _____

EVALUATION OF REPORT:

Follow up inquiry required

☐ Yes ☐ No

Investigation required

☐ Yes ☐ No**REFERRED TO:**

- ☐ Licensing Program Analyst
☐ Licensing Unit Manager/Sup
☐ Regional/Program Manager

Date Reviewed: _____

Date Reviewed: _____

Date Reviewed: _____

Case Management Visit

☐ Yes ☐ No

Other _____

DISPOSITION:

UNUSUAL INCIDENT/INJURY REPORT - FAMILY CHILD CARE HOME

EVENTS THAT MUST BE REPORTED TO PARENTS/AUTHORIZED REPRESENTATIVES AND/OR THE DEPARTMENT:

- A. No later than the same business day, notify a child's parent or authorized representative of the events listed in #11 that affect that child.
- B. Within the next business day, notify the Department by telephone or fax of the events listed in #11.
- C. If reported to the Department by telephone, submit written report within 7 calendar days of the event.
- D. Keep a copy of the report submitted to the Department in the (affected) child's record.

GENERAL INSTRUCTIONS FOR COMPLETION

1. Enter the facility number as shown on the license
2. Enter the licensee's name as shown on license.
3. Enter the name of the facility as shown on the license.
4. Enter the number and street address, city, and zip code.
5. Enter the first and last name of each child involved in the incident or injury.
6. Enter the child's age or the month, date, and year of birth.
7. Enter the gender of each child as M for Male or F for Female.
8. Enter the month, date, and year each child was accepted into the family child care home.
9. Enter the language that the child or parent speaks(*i.e., English, Spanish, etc.*).
10. Enter the month, date, year and the time of day that the incident or injury happened.
11. Event to be reported:
 - a. Check if any child has died from any cause.
 - b. Check if a child was injured, and the injury required treatment by a medical professional.
 - c. Check if a child in care leaves or wanders (is missing) from the facility without permission or supervision, including when a child is missing during any outing or special event away from the facility, or a child does not return from school.
 - d. Check if it is suspected that a child has been abused or neglected.
 - e. Check if there is a fire or explosion in or on the premises of the family child care home.
 - f. Check if there is a communicable disease outbreak when determined by the local health authority.
 - g. Check if any child is poisoned while in care.
 - h. Check if there is some other incident that threatens the physical or emotional health and safety of any child.
12. Describe what happened. Be specific. Include name of person(s) involved in or suspected of causing the injury.
13. Include medical findings and treatment.
14. Describe how this incident or injury will be prevented in the future.
15. Enter the first and last name and title of the physician or other health care provider providing care to child, if known.
16. Enter the area code and telephone number of the physician or other health care provider.
17. Enter the name(s) and telephone number of the child's parent(s), or authorized representative(s).
18. Enter the month, date, and year that the child's parent(s) or authorized representative(s) were notified.
19. Check one or more of the agencies notified of the incident or injury.
20. Enter the name of the person (*for each agency*) with whom you spoke when reporting the event.
21. Enter the month, day, and year next to the agency person's name that was contacted.
22. Enter the area code and telephone or fax number of the agency contacted.
23. Enter your signature here.
24. Enter your area code and telephone number.
25. Enter the month, date, and year this report is signed.

FAMILY CHILD CARE HOME NOTIFICATION OF PARENTS' RIGHTS

PARENTS' RIGHTS

As a Parent/Authorized Representative, you have the right to:

1. Enter and inspect the family child care home without advance notice whenever children are in care.
2. File a complaint against the licensee with the licensing office and review the licensee's public file kept by the licensing office.
3. Review, at the family child care home, reports of licensing visits and substantiated complaints against the licensee made during the last three years.
4. Complain to the licensing office and inspect the family child care home without discrimination or retaliation against you or your child.
5. Be notified and receive, from the licensee, a written notice that lists the name of any person not allowed in the family child care home while children are present. **(NOTE: This notice is only required when the Department has, in writing, excluded someone from the family child care home on or after January 1, 2001).**
6. Request in writing that a parent not be allowed to visit your child or take your child from the family child care home, provided you have shown a certified copy of a court order.
7. Receive from the licensee the name, address and telephone number of the local licensing office.

Licensing Office Name: _____

Licensing Office Address: _____

Licensing Office Telephone #: _____

8. Be informed by the licensee, upon request, of the name and type of association to the family child care home for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
9. Receive, from the licensee, the Caregiver Background Check Process form.
10. Be informed, by the licensee, that the facility has or does not have liability insurance (or a bond) that covers injury to clients due to the negligence of the licensee or employees of the facility.

NOTE: CALIFORNIA STATE LAW PROVIDES THAT THE LICENSEE MAY DENY ACCESS TO THE FAMILY CHILD CARE HOME TO A PARENT/AUTHORIZED REPRESENTATIVE IF THE BEHAVIOR OF THE PARENT/AUTHORIZED REPRESENTATIVE POSES A RISK TO CHILDREN IN CARE.

LIC 995A (8/06)

(Detach Here - Give Upper Portion to Parents))

ACKNOWLEDGEMENT OF NOTIFICATION OF PARENTS' RIGHTS (Parent/Authorized Representative Signature Required)

I, the parent/authorized representative of _____, have received a copy of the "FAMILY CHILD CARE HOME NOTIFICATION OF PARENTS' RIGHTS", the CAREGIVER BACKGROUND CHECK PROCESS and the FAMILY CHILD CARE CONSUMER AWARENESS INFORMATION form from the licensee.

Name of Family Child Care Home

Signature (Parent/Authorized Representative)

Date

NOTE: This Acknowledgement must be kept in child's file and a copy of the Notification given to the parent/authorized representative.

FAMILY CHILD CARE HOME EXPLANATION OF REMOVALS/EXCLUSIONS AND REINSTATEMENT

EXCLUSION:

By law, licensees and adults who live or work in a Family Child Care Home must have a criminal background check. They must submit fingerprints and have their name checked against the California Child Abuse Central Index. If the Department removes or excludes an individual, for any reason, the licensee may request a review of the Department's decision if they want the person to continue to be present in the Family Child Care Home. In many cases, an individual may not be present or work in the Family Child Care Home while the Department conducts the review. If the licensee chooses not to request a review the individual may do so.

The Department of Social Services has the authority to remove or exclude a person from a Family Child Care Home if the Department finds that a person has:

- a) Been convicted of certain serious crimes that are by law non-exemptible.
 - These convictions are considered so serious that the person must not be present in the Family Child Care Home when child care children are present and they are not permitted to obtain an exemption, or
- b) Been convicted of a felony or certain specified misdemeanors.
 - The licensee will be instructed not to permit the person to be present in the home any time child care children are present. The licensee or the individual, may request an exemption. If an exemption is granted the person will be permitted back into the home, or
- c) Been convicted of a misdemeanor, and
 - The person poses a risk to child care children because of the seriousness, recency, and/or pattern of the crime. The licensee or the individual, may request an exemption. If an exemption is granted the person will be permitted back into the home, or
- d) Been found, after a licensing investigation, to have committed an improper act, and
 - The improper act causes the licensing department to believe the person may pose a risk to child care children. The excluded person may appeal, and has a right to a hearing.

The decision to remove or exclude a person is based on confidential information reported on his or her criminal record or based on a thorough investigation by the Department of Social Services.

EXEMPTION:

An individual who has been convicted of a crime (other than a minor traffic violation) is disqualified from holding a license or being present in a licensed Family Child Care Home unless the individual is granted a criminal record exemption by the Department.

The law permits any person convicted of a crime that the law does not classify as non-exemptible to apply for an exemption.

An exemption may be granted if the individual presents substantial and convincing evidence to support a reasonable belief that the person is of good character and is not a threat to the well being of child care children.

REINSTATEMENT:

A person has a right to appeal his or her exclusion. After review of the entire record, it may be determined that an exemption may be granted or that the excluded person does not pose a threat to children in care. In either case, the previously excluded person will be allowed to return to the Family Child Care Home (reinstated).

IMPORTANT INFORMATION FOR PARENTS

CAREGIVER BACKGROUND CHECK PROCESS CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

The California Department of Social Services works to protect the safety of children in child care by licensing child care centers and family child care homes. Our highest priority is to be sure that children are in safe and healthy child care settings. California law requires a background check for any adult who owns, lives in, or works in a licensed child care home or center. Each of these adults must submit fingerprints so that a background check can be done to see if they have any history of crime. If we find that a person has been convicted of a crime other than a minor traffic violation, he/she cannot work or live in the licensed child care home or center unless approved by the Department. This approval is called an exemption.

A person convicted of a crime such as murder, rape, torture, kidnapping, crimes of sexual violence or molestation against children **cannot by law be given an exemption that would allow them to own, live in or work in** a licensed child care home or center. If the crime was a felony or a serious misdemeanor, the person must leave the facility while the request is being reviewed. If the crime is less serious, he/she may be allowed to remain in the licensed child care home or center while the exemption request is being reviewed.

How the Exemption Request is Reviewed

We request information from police departments, the FBI and the courts about the person's record. We consider the type of crime, how many crimes there were, how long ago the crime happened and whether the person has been honest in what they told us.

The person who needs the exemption must provide information about:

- The crime
- What they have done to change their life and obey the law
- Whether they are working, going to school, or receiving training
- Whether they have successfully completed a counseling or rehabilitation program

The person also gives us reference letters from people who aren't related to them who know about their history and their life now.

We look at all these things very carefully in making our decision on exemptions. By law this information cannot be shared with the public.

How to Obtain More Information

As a parent or authorized representative of a child in licensed child care, you have the right to ask the licensed child care home or center whether anyone working or living there has an exemption. If you request this information, and there is a person with an exemption, the child care home or center must tell you the person's name and how he or she is involved with the home or center and give you the name, address, and telephone number of the local licensing office. You may also get the person's name by contacting the local licensing office. You may find the address and phone number on our website. The website address is http://ccl.dss.cahwnet.gov/RegionalOf_1829.htm

FAMILY CHILD CARE CONSUMER AWARENESS INFORMATION

Family Child Care (FCC) is provided by the home of a licensed provider for up to eight children with one adult or up to 14 children with one adult and one assistant. FCC homes provide a home like setting. Making sure that the licensed FCC homes are providing safe care is the job of the licensing agency, the parents and the provider.

HEALTH and SAFETY CHECKLIST

You should check for basic health and safety practices in the home. Your FCC Provider, by state law and regulation, must do the following:

- ☐ Get a license from the local licensing agency.
- ☐ Provide care to no more than eight children (with no more than two children under age 2) or 14 children with an assistant (with no more than 3 children under age 2).
- ☐ Make sure the home has heat in cold weather and is cool in hot weather.
- ☐ Keep detergents and cleaning products out of children's reach.
- ☐ Make sure swimming pools are fenced or have a pool cover.
- ☐ Baby gates must block stairs in facilities when children less than five years old are in care.
- ☐ Store guns, other weapons, and poisons in locked areas.
- ☐ Have an emergency plan in case of fire or earthquake.
- ☐ Keep an emergency information card on every child in care.
- ☐ Keep a fire extinguisher and working smoke alarm in the FCC home.
- ☐ Provide a smoke free environment.
- ☐ Not use baby walkers, bouncers or similar items.

WHAT SHOULD THE FAMILY CHILD CARE HOME PROVIDE?

You should get answers to these questions before placing your child in the home:

- Is the home clean and safe?
- Are there enough toys and games?
- How will my child be disciplined? (**Spanking, hitting, slapping, shaking and so forth are not permitted in licensed homes.**)
- What meals will my child be given?
- How will the food I bring be stored and prepared?
- Is there enough room (*indoor and outdoor*) for my child to play?
- What activities are planned for my child?
- How will my child be cared for when he or she gets sick?
- How many other children will be in care?
- What ages are the other children?
- What are the sleeping/napping/rest arrangements?
- How will I find out if my child is hurt or injured while in care?

DISCUSS THE FOLLOWING WITH THE PROVIDER:

- **Setting times** for arrival and pickup.
- **Bringing items** from home (*food, toys, change of diapers, change of clothes, toothbrush, infant furniture, and so forth*).
- **Providing instructions** for giving medicines or special food.
- **Providing telephone numbers** for home, work, spouse's work, doctor and neighbor.
- **Providing a list of names** and telephone numbers of people who may pick up your child.

GOOD CHILD CARE INCLUDES THESE THINGS:

- **A provider** who provides warm and loving care and guidance for your child, and who works with you and your family to make sure your child grows and learns in the best way possible.
- **A home** that keeps your child safe, secure, and healthy.
- **Activities** that help your child grow mentally, physically, socially and emotionally.
- **Your involvement** in your child's care.

WHAT ARE PARENTS' RESPONSIBILITIES?

The California Department of Social Services licenses homes to provide child care, and wants you to understand the licensing laws and the ways in which you can check the quality of care your child receives.

WHAT SHOULD PARENTS DO?

- **Ask** to see the FCC home license. Homes caring for children from more than one family must be licensed.
- **Check** the condition of the FCC home frequently. Parents have the legal right to "drop in" at any time care is being provided.
- **Know** your rights as a parent by reading and keeping the Notification of Parents' Rights form.
- **Make sure** the Parents' Rights Poster is displayed in the home.
- **Watch** how your child acts in the home.
- **Listen** to what your child tells you about the care received in the home.
- **Talk** with the provider about any problems. Inform the provider of anything in the home which could hurt your child.
- **Call or write** the licensing agency if the provider fails to fix a hazard or if you believe your child has been harmed while in the provider's care. (See "How to file a complaint")
- **Ask** to see the licensing reports on file in the home.
- **Call or visit** the licensing office and ask to look at your provider's licensing file
- **Ask** if there are any adults in the home that have a criminal background.

PARENTS OF BABIES SHOULD ENSURE THAT:

- The baby receives **good nutrition** and is fed at the proper times.
- **A stimulating environment** is provided.
- The provider gives **emotional support**, and holds the child regularly.
- The provider cares for **no more than four babies**.
- Babies are **placed on their backs** when put down to sleep or nap.

HOW TO FILE A COMPLAINT ABOUT A FAMILY CHILD CARE HOME

COMPLAINT PROCESS

1. If you think a FCC provider is breaking the licensing laws, you may file a complaint with the local licensing office. You can find the address and telephone number in the following ways:
 - the provider's license
 - your copy of the Parents' Rights Notification form
 - the telephone book under:

**STATE OF CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING**

OR

**COUNTY OF _____
WELFARE OR SOCIAL SERVICES DEPARTMENT
CHILD CARE LICENSING**

- The California Department of Social Services Community Care Licensing Division's website at www.cclid.ca.gov
2. Call or write your local licensing office and explain your complaint. Your name will remain anonymous unless you give us permission to use it. You will be notified of the results when the investigation is done.
 3. If you believe your child is being physically or sexually abused, you should also report it to your local Police Department or Sheriff's Department.
 4. Contact the local licensing office about any issues or questions you may have.
 5. To learn more about the Child Care Licensing program and services, please visit our website. There you will find child care licensing updates, regulations, and information about the child care advocate program.

WHEN YOU REPORT SUSPECTED VIOLATIONS YOU NOT ONLY PROTECT YOUR CHILD BUT ALSO PERFORM A SERVICE TO YOUR COMMUNITY.

WHAT THE LICENSING AGENCY DOES

- Visits each FCC home before issuing a license to operate.
- Does criminal background checks and child abuse index checks on all adults in the home.
- Requires tuberculosis (TB) tests of providers.
- Investigates complaints.
- Makes unannounced visits to the FCC home.
- Denies applications and revokes licenses when necessary.

REGULAR

ORIGINAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-06-0520-02	REGULATORY ACTION NUMBER 06-0721-12S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2006 JUL 21 PM 4:56

OFFICE OF
ADMINISTRATIVE LAWFILED
in the office of the Secretary of State
of the State of California

SEP 01 2006

At 3:30 O'clock P.M.
C. A. Bacon

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social ServicesAGENCY FILE NUMBER (if any)
ORD #1105-20**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()	
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 06-#132	PUBLICATION DATE 3-31-2006	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Quality Assurance Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)
SECTION(S) AFFECTED (List all section number(s) individually)
ADOPT Section 30-702 et seq.
AMEND Section 30-760.1
REPEAL
TITLE(S) MPP

3. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346)	☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	☐ Emergency (Gov. Code, § 11346.1(b))	☐ Emergency Readopt (Gov. Code, § 11346.1(h))	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
☐ Print Only	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	☐ Other (specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

☐ Effective 30th day after filing with Secretary of State	☒ Effective on filing with Secretary of State	☐ Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify) _____		

7. CONTACT PERSON Alison Garcia, Manager, ORD	TELEPHONE NUMBER (916) 657-2659	FAX NUMBER (Optional) ()	E-MAIL ADDRESS (Optional)
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Cliff Allenby, Interim Director

DATE

7-21-06

7A-1570-01

7A-1570-01

Adopt Section 30-702 to read:

30-702 COUNTY QUALITY ASSURANCE AND QUALITY IMPROVEMENT 30-702

.1 Each county shall establish a Quality Assurance (QA) unit or function which, at a minimum, will be required to perform the following tasks:

.11 Develop and regularly review policies and procedures, implementation timelines, and instructions under which county QA and Quality Improvement (QI) programs will function.

.12 Perform routine, scheduled reviews of supportive services cases which include reviewing a sample of case files and other documents.

.121 The county shall define routine, scheduled reviews in their QA procedures.

.122 The county's QA case sample shall:

(a) Include cases from all district offices and all workers involved in the assessment process.

(b) Include a minimum number of cases as determined by CDSS based on the county's caseload and QA staffing allocation.

.123 If the county is unable to meet the requirements of Section 30-702.122, the county shall submit a written alternative proposal to CDSS outlining the reason as well as an alternative sample method. CDSS shall review the proposal and determine if it is acceptable for compliance with Section 30-702.122.

.124 The county's routine, scheduled reviews shall consist of desk reviews and home visits.

.125 The review process shall be a standardized process, including standard forms for completing desk reviews of cases and for completing home visits.

(a) The desk reviews must include:

(1) A sample of denied cases.

(2) Validation of case file information by recipient contact using a sub-sample of cases.

(3) A process to verify:

- (A) Required forms are present, completed, and contain appropriate signatures.
 - (B) There is a dated Notice of Action in the case file for the current assessment period.
 - (C) The need for each service and hours authorized is documented.
- (b) The county shall conduct home visits using a sub-sample of their desk reviews to confirm that the assessment is consistent with the recipient's needs for services and the applicable federal and state laws and policies have been followed in the assessment process. When conducting home visits the county shall:
- (1) Notify the recipient prior to the home visit.
 - (2) Verify the recipient's identity.
 - (3) Verify the need for any IHSS service tasks, not just the task currently authorized.
 - (4) Verify all data on the G-Line of the SOC 293 (1/91), which includes specific information that may impact the assessment of need.
 - (5) Verify the recipient understands which services have been authorized and the amount of time authorized for each.
 - (6) Discuss with the recipient, the recipient's health issues and physical limitations to assist in identifying the recipient's functional limitations.
 - (7) Discuss any changes in the recipient's condition or functional limitations since the last assessment.
 - (8) Discuss the quality of services provided by the county with the recipient, including addressing the recipient's awareness of, and the ability to, contact and communicate with his/her worker.
 - (9) Verify that the recipient understands his/her ability to request a fair hearing.

- (10) Ensure a completed back-up plan, that indicates the steps the recipient must take in the event of an emergency, is in the recipient's file and a copy has been provided to the recipient to use as a future resource.
- .126 The county's QA review process shall also identify any optional county specific requirements.
- .127 When county QA staff is prevented from completing a review on a specific case, this information shall be conveyed to the appropriate staff and an alternative case shall be selected.
- .13 Develop procedures to report QA findings to county and State management and to ensure that deficiencies identified are appropriately reported and corrected.
- .131 The county's reporting procedures shall identify a standardized process for communicating results of routine, scheduled reviews to management, line staff, and the immediate supervisors of line staff. The process shall include:
- (a) A specified time frame for response to QA findings and a follow-up process.
 - (b) Protocols for identifying and responding to a need for immediate action.
 - (c) Measures to ensure that corrective actions address problems that are systemic in nature.
- .14 Review and respond to information provided as a result of data matches conducted by the State with other agencies that provide services to program recipients or State control agencies.
- .141 In performing data match activities, counties shall ensure that confidentiality requirements are adhered to.
- .15. Develop procedures to detect and prevent potential fraud by providers, recipients, and others, which include informing providers, recipients, and others that suspected fraud of supportive services can be reported by using the toll-free Medi-Cal fraud telephone hotline and/or internet web site.
- .16 Conduct appropriate follow-up of suspected fraud and seek recovery of any overpayments, as appropriate.
- .17 Identify potential sources of third-party liability and make appropriate referrals. Potential sources of third-party liability include but are not limited to:

- .171 Long-Term Care Insurance.
 - .172 Worker's Compensation Insurance.
 - .173 Victim Compensation Program Payments.
 - .174 Civil Judgments/Pending Litigations.
 - .18 Conduct joint case review activities with State QA staff.
 - .19 Develop a plan for and perform targeted QA/QI studies based on:
 - .191 Analysis of data acquired through the county's quality assurance program; or
 - .192 Analysis of data available through Case Management Information Payrolling System (CMIPS), county systems; or
 - .193 Other information, including but not limited to:
 - (a) Data from QA case review findings; or
 - (b) Input from Public Authorities and other consumer groups.
 - .194 The county shall submit a quarterly report of their QA/QI activities to CDSS on the SOC 824 (3/06) form fifteen days after the report quarter ends. (Quarters end on March 31st, June 30th, September 30th, and December 31st).
- .2 Each county shall develop and submit an annual QA/QI Plan to CDSS no later than June 1 of each year.
 - .21 The QA/QI Plan shall identify how the county will use the information gathered through QA activities to improve the quality of the IHSS program at the local level.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12305.71, Welfare and Institutions Code.

Amend Section 30-760 to read:

30-760 RESPONSIBILITIES

30-760

- .1 Applicant/Recipient Responsibilities (Continued)
 - .11 (Continued)
 - .13 Cooperating with county fraud detection and prevention and quality assurance activities including case reviews and home visits.
 - .134 (Continued)
 - .145 (Continued)
 - .156 (Continued)
 - .167 (Continued)
- .2 County Responsibilities (Continued)
 - .25 Complying with administrative standards to ensure timely processing of recipient request for service.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Sections 11102, 12301, 12305.71, and 14132.95, Welfare and Institutions Code.

In-Home Supportive Services
Quarterly Report on Quality Assurance/Quality Improvement (QA/QI)
For Personal Care Services Program (PCSP), IHSS Plus Waiver (IPW)
And IHSS Residual (IHSS-R) Programs

County:			
County Code:		Reporting Quarter:	
Name/Title of person completing report:			
Phone number:			
Date completed:			

Routine Scheduled Review of Supportive Services Cases

1. Desk Reviews		PCSP	IPW	IHSS-R
A. Number of desk review cases with no further action required	1	2	3	
B. Number of desk review cases requiring additional action	4	5	6	
C. Number of desk review cases completed (Item 1a plus Item 1b)	7	0	0	0
2. Home Visits		PCSP	IPW	IHSS-R
A. Number of home visits with no further action required	10	11	12	
B. Number of home visits requiring additional action	13	14	15	
C. Number of home visits conducted (Item 2a plus item 2b)	16	0	0	0
3. Fraud Prevention/Detection and Over/Underpayment Activities		PCSP	IPW	IHSS-R
A. Number of cases identified through QA/QI activities requiring further county review	19	20	21	
B. Number of Cases Identified Through QA/QI Activities Referred to Department of Health Services (DHS) for Investigation	22	23	24	
C. Number of underpayment actions initiated as a result of QA/QI activities	25	26	27	
D. Number of Nonfraud-related overpayments initiated as a result of QA/QI activities	28	29	30	
E. Number of fraud-related overpayments initiated as a result of QA/QI activities	31	32	33	
F. Other: (specify) _____				

4. Critical Events/Incidents Identified (Complete All That Apply)		PCSP	IPW	IHSS-R
A.	Number of Neglect Cases	24	25	26
B.	Number of Abuse Cases (physical, sexual, mental, financial, exploitation)	37	38	39
C.	Number of Provider "No Show" Cases That Pose a Threat to the Health and Safety of the Recipient			
D.	Number of "Harmful to Self" Cases	40	41	42
E.	Other Types of Critical Events/Incidents: (specify)	43	44	45
5. Actions Taken On Critical Events/Incidents Requiring a Response Within 24 Hours (Complete All That Apply)		PCSP	IPW	IHSS-R
A.	Adult Protective Services (APS) Referral	46	47	48
B.	Child Protective Services (CPS) Referral	49	50	51
C.	Law Enforcement Referral	52	53	54
D.	Public Authority (PA) Referral	55	56	57
E.	911 Call Center Referral	58	59	60
F.	Out-of-Home Placement Referral			
G.	Other: (specify) _____			
6. Targeted Reviews (Complete All That Apply)		PCSP	IPW	IHSS-R
A.	Timely Assessments	62	63	64
B.	Timely Reassessments			
C.	Provider Enrollment Form (SOC 426)	65	66	67
D.	Voluntary Services Form (SOC 450)	68	69	70
E.	Paramedical Services Form (SOC 321)	71	72	73
F.	Protective Supervision Medical Certification Form (SOC 821)	74	75	76
G.	Hours Exceed Guidelines	77	78	79
H.	Able and Available Spouse	80	81	82
I.	Proration Calculations	83	84	85
J.	Services For Children	86	87	88
K.	Over-300-Hours Report			
L.	Recipients Advised of Availability of Fingerprinting Information on Providers	89	90	91
M.	Other: (specify) _____			

7. Quality Improvement Efforts (Check All That Apply)

- | | |
|--|--|
| A. ☐ Developed QA Tools/Forms and/or Instructional Materials | |
| B. ☐ Ensured Staff Attended IHSS Training Academy | |
| C. ☐ Offered County Training on Targeted Areas | |
| D. ☐ Established Improvement Committees | |
| E. ☐ Established Tools for QA/QI Fraud Prevention/Detection | |
| F. ☐ Conducted Corrective Action Updates (Attach A Brief Summary) | |
| G. ☐ Utilized Customer Satisfaction Surveys | |
| H. ☐ Other: (specify) _____ | |

INSTRUCTIONS FOR COMPLETING SOC 824

COUNTY INFORMATION:

County – Enter county name.

County Code – Enter county number.

Reporting Quarter – Enter the calendar year reporting quarter (1st, 2nd, 3rd, or 4th).

Name/Title of Person Completing Report – Enter name/title of person completing report.

Telephone Number – Enter the telephone number of the person completing report.

Date Completed – Enter the date the report was completed.

SECTION I - Desk Reviews: Case files reviewed by county QA Staff for the quarter.

- 1A. **Number of Desk Review Cases With No Further Action Required** – For each program (PCSP, IPW, IHSS-R), enter the number of case files reviewed that did not require further action for the quarter. (i.e., file does not require follow up – documentation complete, forms filled out properly, no fraud or APS referrals, etc.).
- 1B. **Number of Desk Review Cases Requiring Additional Action** – For each program (PCSP, IPW, IHSS-R), enter the number of case files reviewed that required additional action to be taken for the quarter.
- 1C. **Number of Desk Review Cases Completed** – For each program (PCSP, IPW, & IHSS-R), enter the number of case files that were reviewed. (Item 1A plus item 1B)

SECTION 2 - Home Visits: Home visits conducted by county QA Staff for the quarter.

- 2A. **Number of Home Visits With No Further Action Required** – For each program (PCSP, IPW, IHSS-R), enter the number of home visits that did not require further action for the quarter. (i.e., file does not require follow up – documentation complete, forms filled out properly, no fraud or APS referrals, etc.).
- 2B. **Number of Visits Requiring Additional Action** – For each program (PCSP, IPW, IHSS-R), enter the number of home visits that required additional action for the quarter.
- 2C. **Number of Home Visits Conducted** – For each program (PCSP, IPW, and IHSS-R), enter the number of home visits conducted for the quarter. (Item 2A plus item 2B)

SECTION 3 - Fraud Prevention/Detection and Over/Underpayment Activities: Complete this section when the county QA staff has suspected, discovered, or been given evidence of fraudulent activity for the quarter.

- 3A. **Number of Cases Identified Through QA/QI Activities Requiring Further County Review** – For each program (PCSP, IPW, and IHSS-R), enter the number of case files requiring further county review due to suspected fraud.
- 3B. **Number of Cases Identified Through QA/QI Activities Referred to Department of Health Services (DHS) for Investigation** – For each program (PCSP, IPW, and IHSS-R), enter the number of cases referred to DHS for further investigation or suspected fraud.
- 3C. **Number of Underpayment Actions Initiated as a Result of QA/QI Activities** – For each program (PCSP, IPW, and IHSS-R), enter the total number of underpayments identified as a result of QA activities.
- 3D. **Number of Nonfraud-Related Overpayments Initiated as a Result of QA/QI Activities** – For each program (PCSP, IPW, and IHSS-R), enter the total number of nonfraud-related overpayments identified as a result of QA activities.
- 3E. **Number of Fraud-Related Overpayments Initiated as a Result of QA/QI Activities** – For each program PCSP, IPW, and IHSS-R), enter the total number of fraud-related overpayments identified as a result of QA activities.
- 3F. **Other (specify)** – For each program (PCSP, IPW, and IHSS-R), enter the number of cases reviewed for any other types of fraudulent overpayments and identify the types.

SECTION 4 - Critical Events/Incidents Identified: A critical event/incident is when there is an immediate threat or risk to the health and safety of a PCSP, IPW, and/or IHSS-R recipient. Complete this section only if any critical events/incidents, as defined here, have occurred during the quarter that you became aware of as part of your QA efforts. Complete each (A-E) that applies.

- 4A. **Number of Neglect Cases** – For each program (PCSP, IPW, and IHSS-R), enter the number of cases that indicated neglect.

INSTRUCTIONS FOR COMPLETING SOC 824

- 4B. **Number of Abuse Cases (physical, sexual, mental, financial, exploitation)** – For each program (PCSP, IPW, and IHSS-R), enter the number of cases that indicated abuse.
- 4C. **Number of Provider “No Show” Cases That Pose a Threat to the Health and Safety of the Recipient** – For each program (PCSP, IPW and IHSS-R), enter the number of cases that indicated a provider “no show” which posed a threat to the health and safety of a recipient.
- 4D. **Number of “Harmful to Self” Cases** – For each program (PCSP, IPW, and IHSS-R), enter the number of cases that indicated a threat of the recipient causing harm to him/herself.
- 4E. **Other Types of Critical Events/Incidents (specify)** – For each program (PCSP, IPW and IHSS-R), enter the number of cases with any other types of critical events/incidents and identify the types.

SECTION 5 - Actions Taken on Critical Events/Incidents Requiring a Response Within 24 hours: Identify each type of case referral made and number for the quarter.

- 5A. **Adult Protective Services (APS) Referral** – For each program (PCSP, IPW, and IHSS-R), enter the number of completed case referrals.
- 5B. **Child Protective Services (CPS) Referral** – For each program (PCSP, IPW, and IHSS-R), enter the number of completed case referrals.
- 5C. **Law Enforcement Referral** – For each program (PCSP, IPW, and IHSS-R), enter the number of completed case referrals.
- 5D. **Public Authority (PA) Referral** – For each program (PCSP, IPW, and IHSS-R), enter the number of completed case referrals.
- 5E. **911 Call Center Referral** – For each program (PCSP, IPW, and IHSS-R), enter the number of completed case referrals.
- 5F. **Out-of-Home Placement Referral** – For each program (PCSP, IPW and IHSS-R), enter the number of completed case referrals.
- 5G. **Other (specify)** – For each program (PCSP, IPW, and IHSS-R), enter the number of any other types of completed cases referrals and identify the types.

SECTION 6 - Targeted Reviews: Targeted case reviews differ from routine scheduled reviews. Focus is limited to a single issue rather than the focus being on the consumer receiving the correct services at the level which allows him/her to remain safely and independently in his/her home. Identify the focused areas (A-M) of each targeted review and the number of cases reviewed during the quarter.

- 6A. **Timely Initial Assessments** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for timely assessments.
- 6B. **Timely Reassessments** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for timely reassessments.
- 6C. **Provider Enrollment Form (SOC 426)** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted cases files reviewed focusing on the Provider Enrollment Form.
- 6D. **Voluntary Services Form (SOC 450)** – For each program (PCSP, IPW and IHSS-R), enter the number of targeted case files reviewed focusing on the Voluntary Services Form.
- 6E. **Paramedical Services Form (SOC 321)** – For each program (PCSP, IPW and IHSS-R), enter the number of targeted case files reviewed focusing on the Paramedical Services Form.
- 6F. **Protective Supervision Medical Certification (SOC 821)** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed focusing on the Protective Supervision Medical Certification Form.
- 6G. **Hours Exceed Guidelines** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for hours exceeding applicable time guidelines.
- 6H. **Able and Available Spouse** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for appropriate applications of Able and Available Spouse.
- 6I. **Proration Calculations** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for proration calculations.
- 6J. **Services for Children** – For each program PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed for services authorized appropriately for children.
- 6K. **Over-300-Hours Report** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed that were generated by a review of the Over-300-Hours Report.

INSTRUCTIONS FOR COMPLETING SOC 824

- 6L. **Recipients Advised of Availability of Fingerprinting Information on Providers** – For each program (PCSP, IPW, and IHSS-R), enter the number of targeted case files reviewed to identify that recipients were advised of the availability of fingerprinting of providers.
- 6M. **Other (specify)** – For each program (PCSP, IPW, and IHSS-R), enter the number of case files reviewed for any other targeted areas and identify the types.

SECTION 7 - Quality Improvement Efforts: Quality Improvement efforts identified during the quarter.
For each (A-H) check all that applies.

- 7A. **Developed QA Tools/Forms and/or Instructional Materials** – Check box if any tools, forms, and/or other instructional materials were developed for QA activities.
- 7B. **Ensured Staff Attended IHSS Training Academy** – Check box if staff attended IHSS Training Academy.
- 7C. **Offered County Training on Targeted Areas** – Check box if training was offered for county staff on targeted areas.
- 7D. **Established Improvement Committees** – Check box if QA/QI committees were established.
- 7E. **Established tools for QA/QI Fraud Prevention/Detection** – Check box if any tools, forms and/or other materials were developed for fraud prevention/detection.
- 7F. **Conducted Corrective Action Updates (Attach a brief summary)** – Briefly describe any corrective action updates developed as part of State or County QA review efforts.
- 7G. **Utilized Customer Satisfaction Surveys** – Check box if customer satisfaction surveys were utilized.
- 7H. **Other (specify)** – Check box if any other Quality Improvement efforts occurred and identify the types.

REGULAR

(See instructions on reverse)

For use by Secretary of State only

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-06-0320-04	REGULATORY ACTION NUMBER 06-0721-115	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2006 JUL 21 PM 4:55
OFFICE OF
ADMINISTRATIVE LAW

FILED
in the office of the Secretary of State
of the State of California

SEP 01 2006

At 3:30 O'clock P.M.
CA Braccon

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Social Services

AGENCY FILE NUMBER (if any)

ORD #1205-21

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 06-115-2	PUBLICATION DATE 3-31-2006

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) IHSS Hourly Task Guidelines	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT
	AMEND 30-757.1 through .14 et seq. and 30-780.1(b) and (b)(1)
TITLE(S) MPP	REPEAL 30-758

3. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346)	☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	☐ Emergency (Gov. Code, § 11346.1(b))	☐ Emergency Readopt (Gov. Code, § 11346.1(h))	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
☐ Print Only	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	☐ Other (specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

6-15-06 to 6-30-06 (15-day modified text)		
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))	Auth. per 9-1-06 DSS letter RS/OAL 9-1-06	
☐ Effective 30th day after filing with Secretary of State	☒ Effective on filing with Secretary of State	☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
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☒ Other (Specify) WIC §§ 12301.2(a)(1), 12305.72 Auth. per 9-1-06 DSS letter RS/OAL 9-1-06	7. CONTACT PERSON Alison Garcia, Manager, ORD	TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) ()	E-MAIL ADDRESS (Optional) RS/OAL 9-1-06
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Cliff Allenby, Interim Director

DATE

7-21-06

Amend Section 30-757 and Title to read:

Post-hearing: Amend Sections 30-757.1(a) and (a)(1), (a)(3), and (a)(6); .131, .132, .132(a), and .132(c)(1), (c)(1)(A), and (c)(2)(A); 134(d)(1) and (e); and .14(c)(2), (d), (f), (g), (i), and (k) to read:

30-757 PROGRAM CONTENT SERVICE CATEGORIES AND TIME
GUIDELINES

30-757

.1 Only those services specified in Sections 30-757.11 through .19 below shall be authorized through IHSS. A person who is eligible for a personal care service provided pursuant to the PCSP shall not be eligible for that personal care service through IHSS. A service provided by IHSS shall be equal to the level of the same service provided by PCSP.

(a) For services in this section where time guidelines are specified, the services shall be subject to the specified time guideline unless the recipient's needs require an exception to the guideline. When assessing time for services (both within and outside the time guidelines), the time authorized shall be based on the recipient's individual level of need necessary to ensure his/her health, safety, and independence based on the scope of tasks identified for service. In accordance with Welfare and Institutions Code Section 12301.2, the dual purpose of the guidelines is to provide counties with a tool for both consistently and accurately assessing service needs and authorizing time.

(1) In determining the amount of time per task, the recipient's ability to perform the tasks based on his/her functional index ranking shall be a contributing factor, but not the sole factor. Other factors could include the recipient's living environment, and/or the recipient's fluctuation in needs due to daily variances in the recipient's functional capacity (e.g., "good days" and "bad days").

(A) In determining the amount of time per task, universal precautions should be considered.

1. Universal precautions are protective practices necessary to ensure safety and prevent the spread of infectious diseases. Universal precautions should be followed by anyone providing a service, which may include contact with blood or body fluids such as saliva, mucus, vaginal secretions, semen, or other internal body fluids such as urine or feces. Universal precautions include the use of protective barriers such as gloves or facemask depending on the type and amount of exposure expected, and always washing hands before and after performing tasks. More information

regarding universal precautions can be obtained by contacting the National Center for Disease Control.

- (2) An exception to the time guideline may result in receiving more or less time based on the recipient's need for each supportive service and the amount of time needed to complete the task.
- (3) Exceptions to the hourly task guidelines identified in this section shall be made when necessary to enable the recipient to establish and maintain an independent living arrangement and/or remain safely in his/her home or abode of his/her own choosing and shall be considered a normal part of the authorization process.
- (4) No exception shall result in the recipient's hours exceeding the maximum limits of 195 hours per month as specified at Section 30-765.121 for nonseverely impaired cases or 283 hours per month for severely impaired cases as specified in Section 30-765.111. No exception shall result in the recipient's hours exceeding the maximum limit for PCSP cases as specified at Section 30-780.2(b).
- (5) No exceptions to hourly task guidelines shall be made due to inefficiency or incompetence of the provider.
- (6) When an exception to an hourly task guideline is made in a recipient's case, the reason for the exception shall be documented in the case file.

HANDBOOK BEGINS HERE

- (A) Documentation of the reason for the exception will provide necessary data to audit the effectiveness of each guideline in terms of:
 - 1. Achieving equity in service authorizations; and
 - 2. Evaluating program costs.
- (B) In documenting an exception, the county worker can record the circumstances requiring more or less time than the range recommends. Examples of the written documentation may include:
 - 1. Writing a few words, phrases, or sentences (e.g., more time needed due to frequent urination, etc.); or
 - 2. Citing the regulation that identifies the exception reason when the reason is listed as one of the exception criteria provided in regulation for that particular service (e.g.,

under "bowel and bladder" care, frequent urination per Section 30-757.14(a)(4)(A)).

- (C) The worker's supervisor should review the documentation of the worker in accordance with current county procedures and current program regulations. The purpose of supervisory case review is to assure that service hours authorized by workers accurately reflect the individual's care needs and that these needs have been appropriately documented in the case file by the worker.
- (D) Consistent with current practice, if the supervisor determines that the worker's documentation is not sufficient, the supervisor should discuss the case with the worker and identify any additional items needed to see if the worker can substantiate the exception prior to the supervisor making any change.

HANDBOOK ENDS HERE

.11 Domestic services which are limited to the following:

(a) through (j) (Continued)

(k) Miscellaneous domestic services (e.g., changing light bulbs, wheelchair cleaning, and changing and recharging wheelchair batteries) when the service is identified and documented by the caseworker as necessary for the recipient to remain safely in his/her home.

(l) The time guideline for "domestic services" shall not exceed 6.0 hours total per month per household unless the recipient's needs require an exception.

.12 (Continued)

.13 Related services which are limited to the following:

.131 Preparation of meals, which includes planning menus; removing food from the refrigerator or pantry; washing/drying hands before and after meal preparation; washing, peeling, and slicing vegetables; opening packages, cans, and bags; measuring and mixing ingredients; lifting pots and pans; ~~trimming meat~~, trimming meat; reheating food; cooking and safely operating the stove; setting the table; serving the meals; pureeing food; and cutting the food into bite-size pieces.

(a) The time guideline range for "preparation of meals" shall be as follows unless the recipient's needs require an exception:

<u>Preparation of Meals</u>		
<u>Hours per Week</u>		
<u>Time Guidelines</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>3.02</u>	<u>7.00</u>
<u>Rank 3</u>	<u>3.50</u>	<u>7.00</u>
<u>Rank 4</u>	<u>5.25</u>	<u>7.00</u>
<u>Rank 5</u>	<u>7.00</u>	<u>7.00</u>

Note: Rank represents the recipient's level of functioning (functional index as provided in Section 30-756.1.

(b) Factors for consideration of time include, but are not limited to:

- (1) The extent to which the recipient can assist or perform tasks safely.
- (2) The types of food the recipient usually eats for breakfast, lunch, dinner, and snacks and the amount of time needed to prepare the food (e.g., more cooked meals versus meals that do not require cooking).
- (3) Whether the recipient is able to reheat meals prepared in advance and the types of food the recipient eats on days the provider does not work.
- (4) The frequency the recipient eats.
- (5) Time for universal precautions, as appropriate.

(c) Exception criteria to the time guideline range include, but are not limited to:

- (1) If the recipient must have meals pureed or cut into bite-sized pieces.
- (2) If the recipient has special dietary requirements that require longer preparation times or preparation of more frequent meals.
- (3) If the recipient eats meals that require less preparation time (e.g., toast and coffee for breakfast).

.132 Meal cleanup, which includes loading and unloading dishwasher; washing, rinsing, and drying dishes, pots, pans, utensils, and culinary appliances and putting them away; storing/putting away leftover foods/liquids; wiping up tables, counters, stoves/ovens, and sinks; and washing/drying hands.

(a) Meal cleanup does not include general cleaning of the refrigerator, stove/oven, or counters and sinks. These services are assessed under "domestic services" in Section 30-757.11.

(b) The time guideline range for "meal cleanup" shall be as follows unless the recipient's needs require an exception:

<u>Meal Cleanup</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>1.17</u>	<u>3.50</u>
<u>Rank 3</u>	<u>1.75</u>	<u>3.50</u>
<u>Rank 4</u>	<u>1.75</u>	<u>3.50</u>
<u>Rank 5</u>	<u>2.33</u>	<u>3.50</u>

(c) Factors for consideration of time include, but are not limited to:

(1) The extent to which the recipient can assist or perform tasks safely.

(A) A recipient with a Rank 3 in "meal cleanup" who has been determined able to wash breakfast/lunch dishes and utensils and only needs the provider to cleanup after dinner would require time based on the provider performing cleanup of the dinner meal only.

(B) A recipient who has less control of utensils and/or spills food frequently may require more time for cleanup.

(2) The types of meals requiring the cleanup.

HANDBOOK BEGINS HERE

(A) A recipient who chooses to eat eggs and bacon for breakfast would require more time for cleanup than a recipient who chooses to eat toast and coffee.

HANDBOOK ENDS HERE

- (3) If the recipient can rinse the dishes and leave them in the sink until the provider can wash them.
- (4) The frequency that meal cleanup is necessary.
- (5) If there is a dishwasher appliance available.
- (6) Time for universal precautions, as appropriate.
- (d) Exceptions criteria to the time guideline range may include, but are not limited to:
 - (1) If the recipient must eat frequent meals which require additional time for cleanup.
 - (2) If the recipient eats light meals that require less time for cleanup.

.133 Planning of menus.

.1343 Restaurant Meal Allowance (Continued)

.1354 Laundry services which includesing the tasks of washing and drying laundry, mending, ironing, folding, and storing clothes on shelves or in drawers. (Continued)

- (c) The time guideline for laundry service where laundry facilities are available in the home shall not exceed 1.0 hours total per week per household unless the recipient's need requires an exception to exceed this limit.

HANDBOOK BEGINS HERE

- (1) In assessing time for in-home laundry services, it is expected that the provider will accomplish other tasks while clothes are washing and drying.

HANDBOOK ENDS HERE

- (d) The time guideline for laundry services where laundry facilities are not available in the home shall not exceed 1.5 hours total per week per household unless the recipient's need requires an exception to exceed this limit.

HANDBOOK BEGINS HERE

- (1) It is expected that the typical provider will use a local laundromat as necessary for efficient time utilization.

HANDBOOK ENDS HERE

- (e) An exception to grant more time than the time guidelines specified in Sections 30-757.134(c) and (d) may be necessary for recipients who have incontinence.

.1365 Food shopping which includes Reasonable food shopping and other shopping/errands limited to the nearest available stores or other facilities consistent with the ~~client's~~ recipient's economy and needs.

(a) (Continued)

(b) (Continued)

- (1) The time guideline for "food shopping" shall not exceed 1.0 hour total per week per household unless the recipient's need requires an exception to exceed this limit.

(c) (Continued)

- (1) The time guideline for "other shopping/errands" shall not exceed 0.5 hour total per week per household unless the recipient's need requires an exception to exceed this limit.

.14 Personal care services, limited to:

- (a) "Bowel and bladder" care, ~~such as assistance with enemas, emptying of catheter or ostomy bags, which includes~~ assistance with using, emptying, and cleaning bed pans/bedside commodes, urinals, ostomy, enema and/or catheter receptacles; application of diapers; positioning for diaper changes; managing clothing; changing rubber sheets disposable barrier pads; putting on/taking off disposable gloves; wiping and cleaning recipient; and assistance with getting on/ and off commode or toilet; and washing/drying recipient's and provider's hands.

- (1) "Bowel and bladder" care does not include insertion of enemas, catheters, suppositories, digital stimulation as part of a bowel program, or colostomy irrigation. These tasks are assessed as "paramedical services" specified at Section 30-757.19.

- (2) The time guideline range for "bowel and bladder" care shall be as follows unless the recipient's needs require an exception:

<u>Bowel and Bladder Care</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.58</u>	<u>2.00</u>
<u>Rank 3</u>	<u>1.17</u>	<u>3.33</u>
<u>Rank 4</u>	<u>2.91</u>	<u>5.83</u>
<u>Rank 5</u>	<u>4.08</u>	<u>8.00</u>

(3) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
- (B) The frequency of the recipient's urination and/or bowel movements.
- (C) If there are assistive devices available which result in decreased or increased need for assistance.

HANDBOOK BEGINS HERE

- 1. Situations where elevated toilet seats and/or Hoyer lifts are available may result in less time needed for "bowel and bladder" care if the use of these devices results in a decreased need for assistance by the recipient.
- 2. Situations where a bathroom door is not wide enough to allow for easy wheelchair access may result in more time needed if its use results in an increased need.

HANDBOOK ENDS HERE

- (D) Time for universal precautions, as appropriate.
- (4) Exception criteria to the time guideline range may include, but are not limited to:
- (A) If the recipient has frequent urination or bowel movements.
 - (B) If the recipient has frequent bowel or bladder accidents.

- (C) If the recipient has occasional bowel or bladder accidents that require assistance from another person.
- (D) If the recipient's morbid obesity requires more time.
- (E) If the recipient has spasticity or locked limbs.
- (F) If the recipient is combative.

(b) (Continued)

(c) "Feeding," which includes assistance with consumption of food and assurance of adequate fluid intake consisting of feeding or related assistance to recipients who cannot feed themselves or who require other assistance with special devices in order to feed themselves or to drink adequate liquids.

- (1) "Feeding" tasks include assistance with reaching for, picking up, and grasping utensils and cup; cleaning recipient's face and hands; and washing/drying hands before and after feeding.
- (2) "Feeding" tasks do not include cutting food into bite-sized pieces or pureeing food, as these tasks are assessed in "preparation of meals" services specified at Section 30-757.131.
- (3) The time guideline range for "feeding" shall be as follows unless the recipient's needs require an exception:

<u>Feeding</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.70</u>	<u>2.30</u>
<u>Rank 3</u>	<u>1.17</u>	<u>3.50</u>
<u>Rank 4</u>	<u>3.50</u>	<u>7.00</u>
<u>Rank 5</u>	<u>5.25</u>	<u>9.33</u>

- (4) Factors for consideration of time include, but are not limited to:
 - (A) The extent to which the recipient can assist or perform tasks safely.
 - (B) The amount of time it takes the recipient to eat meals.
 - (C) The type of food that will be consumed.

- (D) The frequency of meals/liquids.
- (E) Time for universal precautions, as appropriate.
- (5) Exception criteria to the time guideline range may include, but are not limited to:
 - (A) If the constant presence of the provider is required due to the danger of choking or other medical issues.
 - (B) If the recipient is mentally impaired and only requires prompting for feeding him/herself.
 - (C) If the recipient requires frequent meals.
 - (D) If the recipient prefers to eat foods that he/she can manage without assistance.
 - (E) If the recipient must eat in bed.
 - (F) If food must be placed in the recipient's mouth in a special way due to difficulty swallowing or other reasons.
 - (G) If the recipient is combative.
- (d) Routine bed baths, which includes cleaning basin or other materials used for bed sponge baths and putting them away; obtaining water and supplies; washing, rinsing, and drying body; applying lotion, powder and deodorant; and washing/drying hands before and after bathing.
- (1) The time guideline range for "bed baths" shall be as follows unless the recipient's needs require an exception:

<u>Bed Baths</u>		
<u>Hours per Week</u>		
<u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.50</u>	<u>1.75</u>
<u>Rank 3</u>	<u>1.00</u>	<u>2.33</u>
<u>Rank 4</u>	<u>1.17</u>	<u>3.50</u>
<u>Rank 5</u>	<u>1.75</u>	<u>3.50</u>

- (2) Factors for consideration of time include, but are not limited to:
 - (A) The extent to which the recipient can assist or perform tasks safely.
 - (B) If the recipient is prevented from bathing in the tub/shower.
 - (C) If bed baths are needed in addition to baths in the tub/shower.
 - (D) Time for universal precautions, as appropriate.
- (3) Exception criteria to the time guideline range may include, but are not limited to:
 - (A) If the recipient is confined to bed and sweats profusely requiring frequent bed baths.
 - (B) If the weight of the recipient requires more or less time.
 - (C) If the recipient is combative.
- (e) Bathing, oral hygiene, and grooming:
 - (1) Bathing includes cleaning the body in a tub or shower; obtaining water/supplies and putting them away; turning on/off faucets and adjusting water temperature; assistance with getting in/out of tub or shower; assistance with reaching all parts of the body for washing, rinsing, drying and applying lotion, powder, deodorant; and washing/drying hands.
 - (2) Oral hygiene includes applying toothpaste, brushing teeth, rinsing mouth, caring for dentures, flossing, and washing/drying hands.
 - (3) Grooming includes hair combing/brushing; hair trimming when the recipient cannot get to the barber/salon; shampooing, applying conditioner, and drying hair; shaving; fingernail/toenail care when these services are not assessed as "paramedical" services for the recipient; and washing/drying hands.
 - (4) "Bathing, oral hygiene, and grooming," does not include getting to/from the bathroom. These tasks are assessed as mobility under "ambulation" services specified at Section 30-757.14(k).
 - (5) The time guideline range for "bathing, oral hygiene, and grooming," shall be as follows unless the recipient's needs require an exception:

<u>Bathing, Oral Hygiene, and Grooming</u>		
<u>Hours per Week</u>		
<u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.50</u>	<u>1.92</u>
<u>Rank 3</u>	<u>1.27</u>	<u>3.15</u>
<u>Rank 4</u>	<u>2.35</u>	<u>4.08</u>
<u>Rank 5</u>	<u>3.00</u>	<u>5.10</u>

(6) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
- (B) The number of times the recipient may need to bathe.
- (C) If the recipient requires assistance in/out of tub/shower.
- (D) If the recipient needs assistance with supplies.
- (E) If the recipient requires assistance washing his/her body.
- (F) If the provider must be present while the recipient bathes.
- (G) If the recipient requires assistance drying his/her body and/or putting on lotion/powder after bathing.
- (H) If the recipient showers in a wheelchair.
- (I) Universal precautions, as appropriate.

(7) Exceptions to the time guideline range may include, but are not limited to:

- (A) If the provider's constant presence is required.
- (B) If the weight of the recipient requires more or less time.
- (C) If the recipient has spasticity or locked limbs.
- (D) If a roll-in shower is available.
- (E) If the recipient is combative.

- (f) Dressing, which includes washing/drying of hands; putting on/taking off, fastening/unfastening, buttoning/unbuttoning, zipping/unzipping, and tying/untying of garments, undergarments, corsets, elastic stockings and braces; changing soiled clothing; and bringing tools to the recipient to assist with independent dressing.

- (1) The time guideline range for “dressing” shall be as follows unless the recipient’s needs require an exception:

<u>Dressing</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.56</u>	<u>1.20</u>
<u>Rank 3</u>	<u>1.00</u>	<u>1.86</u>
<u>Rank 4</u>	<u>1.50</u>	<u>2.33</u>
<u>Rank 5</u>	<u>1.90</u>	<u>3.50</u>

- (2) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
- (B) The type of clothing/garments the recipient wears.
- (C) If the recipient prefers other types of clothing/garments.
- (D) The weather conditions.
- (E) Universal precautions, as appropriate.

- (3) Exception criteria to the time guideline range may include, but are not limited to:

- (A) If the recipient frequently leaves his/her home, requiring additional dressing/undressing.
- (B) If the recipient frequently bathes and requires additional dressing or soils clothing, requiring frequent changes of clothing.
- (C) If the recipient has spasticity or locked limbs.
- (D) If the recipient is immobile.
- (E) If the recipient is combative.

- (g) Repositioning and rubbing of skin, which includes rubbing skin to promote circulation and/or prevent skin breakdown; turning in bed and other types of repositioning; assistance on and off seats and wheelchairs, into and out of vehicles, and range of motion exercises which shall be limited to the following:

(1) (Continued)

(2) (Continued)

(3) "Repositioning and rubbing skin" does not include:

(A) Care of pressure sores (skin and wound care). This task is assessed as a part of "paramedical" services specified at Section 30-757.19.

(B) Ultraviolet treatment (set up and monitor equipment) for pressure sores and/or application of medicated creams to the skin. These tasks are assessed as part of "assistance with prosthetic devices" at Section 30-757.14(i).

(4) The time guideline range for "repositioning and rubbing skin" shall be as follows unless the recipient's needs require an exception:

<u>Repositioning and Rubbing Skin</u>		
<u>Hours per Week</u>		
<u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>* Functional ranking does not apply</u>	<u>0.75</u>	<u>2.80</u>

(5) Factors for consideration of time include, but are not limited to:

(A) The extent to which the recipient can assist or perform tasks safely.

(B) If the recipient's movement is limited while in the seating position and/or in bed, and the amount of time the recipient spends in the seating position and/or in bed.

(C) If the recipient has circulatory problems.

(D) Universal precautions, as appropriate.

(6) Exceptions criteria to the time guideline range may include, but are not limited to:

(A) If the recipient has a condition that makes him/her confined to bed.

(B) If the recipient has spasticity or locked limbs.

(C) If the recipient has or is at risk of having decubitus ulcers which require the need to turn the recipient frequently.

(D) If the recipient is combative.

(h) Moving into and out of bed. "Transfer," which includes assisting from standing, sitting, or prone position to another position and/or from one piece of equipment or furniture to another. This includes transfer from a bed, chair, couch, wheelchair, walker, or other assistive device generally occurring within the same room.

(1) "Transfer" does not include:

(A) Assistance on/off toilet. This task is assessed as a part of "bowel and bladder" care specified at Section 30-757.14(a).

(B) Changing the recipient's position to prevent skin breakdown and to promote circulation. This task is assessed as a part of "repositioning and rubbing skin" specified at Section 30-757.14(g).

(2) The time guideline range for "transfer" shall be as follows unless the recipient's needs require an exception:

<u>Transfer</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.50</u>	<u>1.17</u>
<u>Rank 3</u>	<u>0.58</u>	<u>1.40</u>
<u>Rank 4</u>	<u>1.10</u>	<u>2.33</u>
<u>Rank 5</u>	<u>1.17</u>	<u>3.50</u>

(3) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
 - (B) The amount of assistance required.
 - (C) The availability of equipment, such as a Hoyer lift.
 - (D) Universal precautions, as appropriate.
- (4) Exception criteria to the time guideline range may include, but are not limited to:
- (A) If the recipient gets in and out of bed frequently during the day or night due to naps or use of the bathroom.
 - (B) If the weight of the recipient and/or condition of his/her bones requires more careful, slow transfers.
 - (C) If the recipient has spasticity or locked limbs.
 - (D) If the recipient is combative.
- (i) Care of and assistance with prosthetic devices and assistance with self-administration of medications, which includes assistance with taking off/putting on and maintaining and cleaning prosthetic devices, vision/hearing aids and washing/drying hands before and after performing these tasks.
- (1) (Continued)
- (2) The time guideline range for “care and assistance with prosthetic devices” shall be as follows unless the recipient’s needs require an exception:

<u>Care and Assistance with Prosthetic Devices</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>*Functional ranking does not apply</u>	<u>0.47</u>	<u>1.12</u>

- (3) Factors for consideration of time include, but are not limited to:
- (A) The extent to which the recipient is able to manage medications and/or prosthesis independently and safely.
 - (B) The amount of medications prescribed for the recipient.
 - (C) If the recipient requires special preparation to distribute medications (e.g., cutting tablets, putting medications into Medi-sets, etc.).
 - (D) If the recipient has cognitive difficulties that contribute to the need for assistance with medications and/or prosthetic devices.
 - (F) Universal precautions, as appropriate.
- (4) Exception criteria to the time guideline range may include, but are not limited to:
- (A) If the recipient takes medications several times a day.
 - (B) If the pharmacy sets up medications in bubble wraps or Medi-sets for the recipient.
 - (C) If the recipient has multiple prosthetic devices.
 - (D) If the recipient is combative.
- (j) Routine menstrual care, which is limited to external application of sanitary napkins and external cleaning and positioning for sanitary napkin changes, using and/or disposing of barrier pads, managing clothing, wiping and cleaning, and washing/drying hands before and after performing these tasks.

HANDBOOK BEGINS HERE

- (1) In assessing "menstrual" care, it may be necessary to assess additional time in other service categories specified in this section, such as "laundry," "dressing," "domestic," "bathing, oral hygiene, and grooming."
- (2) In assessing "menstrual" care, if the recipient wears diapers, time for menstrual care should not be necessary. This time would be assessed as a part of "bowel and bladder" care.

HANDBOOK ENDS HERE

- (3) The time guideline range for “menstrual care” shall be as follows unless the recipient’s needs require an exception:

<u>Menstrual Care</u> <u>Hours per Week</u> <u>Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>*Functional</u> <u>rank does</u> <u>not apply</u>	<u>0.28</u>	<u>0.80</u>

- (4) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
- (B) If the recipient has a menstrual cycle.
- (C) The duration of the recipient’s menstrual cycle.
- (D) If there are medical issues that necessitate additional time.
- (E) Universal precautions, as appropriate.

- (5) Exception criteria to the time guideline range may include, but are not limited to:

- (A) If the recipient has spasticity or locked limbs.
- (B) If the recipient is combative.

- (k) Ambulation, which includes ~~consisting of~~ assisting the recipient with walking or moving the recipient from place to place inside the home, including to and from the bathroom; climbing or descending stairs; moving and retrieving assistive devices, such as a cane, walker, or wheelchair, etc. and washing/drying hands before and after performing these tasks. "Ambulation" also includes assistance to/from the front door to the car (including getting in and out of the car) for medical accompaniment and/or alternative resource travel.

- (1) The time guideline range for “ambulation” shall be as follows unless the recipient’s needs require an exception:

<u>Ambulation Hours per Week Time Guideline</u>		
	<u>Low</u>	<u>High</u>
<u>Rank 2</u>	<u>0.58</u>	<u>1.75</u>
<u>Rank 3</u>	<u>1.00</u>	<u>2.10</u>
<u>Rank 4</u>	<u>1.75</u>	<u>3.50</u>
<u>Rank 5</u>	<u>1.75</u>	<u>3.50</u>

(2) Factors for consideration of time include, but are not limited to:

- (A) The extent to which the recipient can assist or perform tasks safely.
- (B) The distance the recipient must move inside the home.
- (C) The speed of the recipient's ambulation.
- (D) Any barriers that impede the recipient's ambulation.
- (E) Universal precautions, as appropriate.

(3) Exceptions to the time guideline range may include, but are not limited to:

- (A) If the recipient's home is large or small.
- (B) If the recipient requires frequent help getting to/from the bathroom.
- (C) If the recipient has a mobility device, such as a wheelchair that results in a decreased need.
- (D) If the recipient has spasticity or locked limbs.
- (E) If the recipient is combative.

.15 through .198 (Continued)

Authority Cited: Sections 10553, and 10554, 12300, and 12301.2, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Peremptory Writ of Mandate, Disabled Rights Union v. Woods, Superior Court, Los Angeles County, Case #C 380047; Miller v. Woods/Community Services for the Disabled v. Woods, Superior Court, San Diego County, Case Numbers 468192 and 472068; and Sections 12300, 12300(c)(7), 12300(f), 12300(g), and 12300.1, and 12301.2, Welfare and Institutions Code.

Repeal Section 30-758 to amend and relocate to Section 30-757 to read:

30-758 TIME PER TASK AND FREQUENCY GUIDELINES

30-758

~~.1 When assessing the need for the services specified in .11 through .15 below in accordance with the provisions of Section 30-763.2, the assessed time shall not exceed the guidelines listed except as provided in .4 below.~~

~~.11 Domestic services — The guideline time for "domestic services" shall not exceed 6.0 hours total per month per household.~~

HANDBOOK BEGINS HERE

~~.111 Tasks included in domestic services are identified in Section 30-757.11.~~

HANDBOOK ENDS HERE

12 Laundry

~~.121 For laundry services where laundry facilities are available in the home, the guideline time shall not exceed 1.0 hours total per week per household.~~

HANDBOOK BEGINS HERE

~~(a) In-home laundry service is defined and limited in Section 30-757.135.~~

~~(b) In assessing time for in-home laundry services, it is expected that the provider will accomplish other tasks while clothes are washing and drying.~~

HANDBOOK ENDS HERE

~~.122 For laundry services where laundry facilities are not available in the home, the guideline time shall not exceed 1.5 hours total per week per household.~~

HANDBOOK BEGINS HERE

~~(a) Out-of-home laundry service is defined and limited in Section 30-757.135.~~

~~(b) It is expected that the typical provider will use a local laundromat during nonpeak hour time and will utilize as many machines simultaneously as necessary for efficient time utilization.~~

HANDBOOK ENDS HERE

~~13 Food Shopping—The guideline time for "food shopping" shall not exceed 1.0 hour total per week per household.~~

~~HANDBOOK BEGINS HERE~~

~~131 Food shopping is defined and limited in Section 30-757.136.~~

~~HANDBOOK ENDS HERE~~

~~14 Other shopping errands—The guideline time for "other shopping/errands" shall not exceed 0.5 hours total per week per household.~~

~~HANDBOOK BEGINS HERE~~

~~141 Other shopping/errands is defined and limited in Section 30-757.136.~~

~~HANDBOOK ENDS HERE~~

~~2 Counties shall have the authority to develop and use time per task and frequency guidelines for other services, except:~~

~~21 personal care services, Section 30-757.14.~~

~~22 meal preparation, Section 30-757.131.~~

~~23 meal clean up, Section 30-757.132.~~

~~24 paramedical services, Section 30-757.19.~~

~~3 No exceptions to time per task guidelines shall be made due to inefficiency or incompetence of the provider.~~

~~4 Welfare and Institutions Code Section 12301.2 states: Time per task guidelines can be used only if appropriate in meeting the recipient's particular circumstances. Exceptions to time per task guidelines shall be made when necessary to enable the recipient to establish and maintain an independent living arrangement and/or remain safely in his/her home or abode of his/her own choosing.~~

~~41 When an exception to a time per task guideline is made in an recipient case, the reason for the exception shall be documented in the case file.~~

~~HANDBOOK BEGINS HERE~~

~~411 Documentation of the reason for the exception will provide necessary data to audit the effectiveness of each guideline in terms of:~~

~~(a) achieving equity in assessments; and~~

(b) ~~evaluating program costs.~~

HANDBOOK ENDS HERE

Authority cited: Sections 10553, ~~and~~ 10554, 12300, and 12301.2, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Peremptory Writ of Mandate, Disabled Rights Union v. Woods, Superior Court, Los Angeles County, Case #C 380047; and Sections 12300 and 12301.2, Welfare and Institutions Code.

Amend Section 30-780.1(b) to read:

30-780 PERSONAL CARE SERVICES PROGRAM (PCSP) ELIGIBILITY

30-780

HANDBOOK BEGINS HERE

.1 Scope of Services (Continued)

- (b) Ancillary services are subject to time per task guidelines ~~when~~ established in Sections 30-7587 and 30-763.235 (b) and 30-763.24 of the Department of Social Services' Manual of Policies and Procedures and are limited to the following:

- (1) Domestic services are limited to the following:

(A) (Continued)

(B) (Continued)

(C) Cleaning the bathroom.

(~~D~~) (Continued)

(~~E~~) (Continued)

(~~F~~) (Continued)

(~~G~~) (Continued)

(~~H~~) (Continued)

(~~I~~) (Continued)

(~~J~~) (Continued)

(~~K~~) (Continued)

HANDBOOK ENDS HERE

- (4) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Section 14132.95, Welfare and Institutions Code; and the State Plan Amendment, approved pursuant to Sections 12301.2 and 14132.95(b), Welfare and Institutions Code.

REGULAR

(See instructions on reverse)

Original
For use by Secretary of State only**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 06-0721-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only 2006 JUL 21 AM 11:30 OFFICE OF ADMINISTRATIVE LAW			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY STATE WATER RESOURCES CONTROL BOARD			AGENCY FILE NUMBER (if any)

FILED
in the office of the Secretary of State
of the State of California

SEP 01 2006

At **3:29** O'clock **P** M.
C A Baccari**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Amendment to Santa Ana Basin Plan		TITLE(S) 23	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Nirmal Sandhar	TELEPHONE NUMBER (916) 341-5571	FAX NUMBER (Optional) (916) 341-5550
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) TMDLs for bacterial indicators discharged to impaired water bodies.		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
SECTION(S) AFFECTED (List all section number(s) individually)		ADOPT Publish new section 3979.1	
TITLE(S) 23		AMEND REPEAL	
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.			
☐ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Other (specify) Gov't Code 11353			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))			
☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) Approval by OAL per Gov't Code 11353			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☐ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify)			
7. CONTACT PERSON Nirmal Sandhar		TELEPHONE NUMBER (916) 341-5571	FAX NUMBER (Optional) (916) 341-5550
		E-MAIL ADDRESS (Optional) nsandhar@waterboards.ca.gov	

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7/16/06

TYPED NAME AND TITLE OF SIGNATORY

Darrin Polhemus, Chief, Division of Water Quality, State Water Board

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.

SUMMARY OF REGULATORY PROVISIONS

Basin Plan Amendment Establishing Total Maximum Daily Loads for Bacterial Indicators in the Middle Santa Ana River Watershed Regional Board Resolution No. R8-2005-0001

The Basin Plan amendment modifies the regulatory provisions of the Water Quality Control Plan for the Santa Ana Region by establishing Total Maximum Daily Loads (TMDLs) for bacterial indicators discharged to impaired water bodies in the Middle Santa Ana River watershed, including the Santa Ana River, Reach 3; Chino Creek, Reaches 1 and 2; Mill Creek (Prado Area); Cucamonga Creek (Valley Reach); and Prado Park Lake. The TMDLs address impairment due to bacterial indicators in the Middle Santa Ana River watershed in a prioritized phased approach. Compliance with objectives to protect water contact recreation are to be achieved no later than December 31, 2015 during the dry season and no later than December 31, 2025 during the wet season. Density-based allocations are assigned for urban discharges, agricultural discharges, and natural or open space discharges. These allocations are expected to be implemented through requirements imposed by the Santa Ana Regional Water Quality Control Board in waste discharge requirements and/or conditional waivers of waste discharge requirements. The TMDLs will be re-evaluated and revised, if appropriate, based on monitoring results and relevant studies required by the TMDL implementation plan. These studies include source evaluation and characterization, watershed-wide water quality monitoring, water contact recreation beneficial use assessments, and alternative bacterial indicator evaluations. Based on the results of these investigations, plans for achieving the TMDLs are to be developed by the stakeholders. Revision of the TMDLs would occur through the Basin Plan amendment process.

EMERGENCY

ORIGINAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 06-0825-05E
For use by Office of Administrative Law (OAL) only		In the office of the Secretary of State of the State of California	
2006 AUG 31 PM 4:24		SEP 05 2006	
OFFICE OF ADMINISTRATIVE LAW		At <u>2:13</u> O'clock <u>P</u> M.	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Allocation Board		AGENCY FILE NUMBER (if any)	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER ()		FAX NUMBER (Optional) ()	
OAL USE ONLY		ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Leroy F. Greene School Facilities Act of 1998 - General Site Dev.	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 06-0811-05E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT
	AMEND Regulation Sections 1859.2, 1859.76, 1859.83, 1859.163.1, and please refer to the Attachment.
TITLE(S) 2	REPEAL

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)	☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	☐ Emergency (Gov. Code, § 11346.1(b))	☐ Emergency Readopt (Gov. Code, § 11346.1(h))	☒ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
☐ Print Only	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	☐ Other (specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

☐ Effective 30th day after filing with Secretary of State	☒ Effective on filing with Secretary of State	☐ Effective other (Specify)
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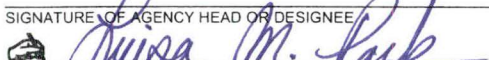
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify)		

7. CONTACT PERSON Lisa Jones	TELEPHONE NUMBER (916) 322-1043	FAX NUMBER (Optional) (916) 445-5526	E-MAIL ADDRESS (Optional) lisa.jones@dgs.ca.gov
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE August 29, 2006
--	-------------------------

TYPED NAME AND TITLE OF SIGNATORY

Luisa M. Park, Executive Officer, State Allocation Board

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.

EMERGENCY

ORIGINAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 06-0825-05ER
For use by Office of Administrative Law (OAL) only 2006 AUG 25 PM 4:50 OFFICE OF ADMINISTRATIVE LAW			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Allocation Board			AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Leroy F. Greene School Facilities Act of 1998 - General Site Dev.	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 06-0811-05E
---	---

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT
	AMEND Regulation Sections 1859.2, 1859.76, 1859.83, 1859.163.1, and please refer to the Attachment.
TITLE(S) 2	REPEAL

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)	☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	☐ Emergency (Gov. Code, § 11346.1(b))	☐ Emergency Readopt (Gov. Code, § 11346.1(h))	☒ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
☐ Print Only	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	☐ Other (specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

☐ Effective 30th day after filing with Secretary of State	☒ Effective on filing with Secretary of State	☐ Effective other (Specify)
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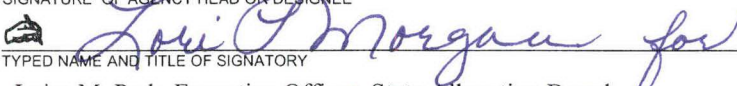
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify)		

7. CONTACT PERSON Lisa Jones	TELEPHONE NUMBER (916) 322-1043	FAX NUMBER (Optional) (916) 445-5526	E-MAIL ADDRESS (Optional) lisa.jones@dgs.ca.gov
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8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE August 25, 2006
TYPED NAME AND TITLE OF SIGNATORY Luisa M. Park, Executive Officer, State Allocation Board	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

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NOTICES

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REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

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When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

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If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.

Attachment to Notice Publication/Regulations Submission, Form STD 400

B. SUBMISSION OF REGULATIONS, No. 2 (continued)

THE FOLLOWING FORMS ARE AMENDED:

Application for Funding, Form SAB 50-04, (Revised 06/06), referenced in Regulation Section 1859.2

Application for Charter School Preliminary Apportionment, Form SAB 50-09, (Revised 06/06), referenced in Regulation Section 1859.2

Amend Regulation Section 1859.2

Section 1859.2. Definitions.

...

"Form SAB 50-04" means the *Application For Funding*, Form SAB 50-04 (Revised 04/06 06/06), which is incorporated by reference.

...

"Form SAB 50-09" means the *Application for Charter School Preliminary Apportionment*, Form SAB 50-09 (Revised 04/05 06/06), which is incorporated by reference.

...

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

Amend Regulation Section 1859.76

Section 1859.76. New Construction Additional Grant for Site Development Costs.

In addition to any other funding authorized by these Regulations, the Board shall provide funding equal to 50 percent of the following approved site development and applicable design costs:

- (a) Service site development cost, within school property lines for:
 - (1) Site clearance including the removal of trees, brush, and debris.
 - (2) Demolition and removal of existing buildings and site improvements which lie in the footprint of a proposed building or proposed site development.
 - (3) Removal and rerouting of existing utility service which lie in the footprint of a proposed building or proposed site development.
 - (4) Rough grading including cut and fill, and leveling and terracing operations required in the design of the project.
 - (5) Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by the OPSC.
 - (6) On-site drainage facilities including inlets below grade drainage facilities and retention basins.
 - (7) Erosion control improvements such as plant material, temporary sprinkler systems, jute mesh and straw, due to embankments having a slope of at least two to one and a vertical height greater than six feet.
 - (8) Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.
 - (9) Relocation of existing portable buildings which lie in the footprint of a proposed building or proposed site development including the cost for set-up and utilities if the portable will be relocated on the same site. If the portable will be moved to another site, only the costs to move the portable to the new location.
 - (10) Fire code requirements on site that are not a part of the building.
 - (11) Funding for parking structures on a new construction project when all the following have been met:
 - (A) The new construction project will be located on site acreage that is less than 50 percent of the site size recommended by the CDE for the master planned project capacity.
 - (B) The number of parking stalls to be funded does not exceed 2.25 for each classroom constructed in an elementary or middle school project.
 - (C) The number of parking stalls to be funded does not exceed six for each high school classroom constructed in a high school project that will serve 9-12 pupils.
 - (D) The state grant does not exceed \$7,500 per parking stall. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71.
 - (E) The parking structure is any of the following:
 1. It is multilevel and has at least two floors of parking space.
 2. It is single level with site development above the single level parking space.

3. It is single level that is subterranean or below ground level with site development above the single level parking space.
4. It is single level with buildings above the single level parking space.
- (12) Removal and relocation of portable classrooms on a site eligible for replacement pursuant to Section 1859.82(a) that are available for housing pupils pursuant to Section 1859.35(a).
- (b) Off-site development cost on up to two immediately adjacent sides of the site, for the following:
 - (1) Curbs, gutters and paving of streets not to exceed one-half the mandated local street code requirements. When the existing streets are to be widened inward toward the property line from the existing face of the curb, all new street improvements lying within the one-half of mandated street width adjacent to the project.
 - (2) Sidewalks mandated by local ordinances.
 - (3) Street lighting, planting areas, street signs, traffic signals, trees or other costs mandated by local ordinances.
 - (4) City and/or county or special district fees pursuant to active ordinances.
 - (5) Reasonable cost for storm drains to point of connection.
 - (6) Funding for safety paths for pedestrian use beyond two immediately adjacent sides of the site necessary for a safe route to the new school site when the following conditions are met:
 - (A) The school district governing board has made a finding at a public hearing that pedestrian safety concerns require improvements in the form of safety paths to provide access to the school site, and the Department of Education concurs with that finding.
 - (B) The improvements are limited to the work necessary to install concrete, asphalt, gravel or other paving necessary to provide the safe paths.
 - (C) The state grant does not exceed \$50,000.
 - (D) The improvements do not include any cost for the acquisition of land, easements or other rights-of-way.
 - (E) The SAB has determined that development of additional pedestrian paths is reasonable.
 - (c) Utility service costs associated with the CDE approved site size that are necessary to serve the master planned capacity of the site as follows:
 - (1) Water: Installation of water supply line(s) and connection fees from the utility company connection to the meter, meters not provided by the serving utility, or installation of a domestic water system (i.e. well, pump, tank).
 - (2) Sewage: Installation of main sewage disposal line from the utility company connection to the first building lateral and if applicable, connection fees. Installation of a sewage treatment/disposal system and a main disposal line from the treatment system to the nearest building lateral of the collection system.
 - (3) Gas: Installation of main supply line and connection fees from utility company to meter and connection fee if applicable. Installation of meters not provided by the utility. Connection of a liquefied petroleum system (and tank) from the main supply line to the first building lateral.
 - (4) Electric: Installation of service from the utility to the building switchboard. Primary electric service runs from the utility company's point of connection to the transformer. Secondary electric service runs from the transformer to the switchboard. Connection fee, transformer pads and protective devices.
 - (5) Communication systems: Installation of service from the company to the nearest distribution center.
 - (d) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired, or a new school project, determined as follows:
 - (1) \$19,200 per Useable Acre as approved by the CDE when funding is provided pursuant to Section 1859.74 or 1859.74.5. This sum may be increased by the percentage identified in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
 - (2) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the New Construction Grant. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the district on the Form SAB 50-04.
 - (3) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.71.2, 1859.72, 1859.73, 1859.73.2, 1859.82, 1859.83(a),(b) and (c) and 1859.125(a).

Subsection (d) of this section shall be suspended no later than January 1, 2008, unless otherwise extended by amendments as adopted by the Board.

The district must submit a detailed cost estimate for all requests for site development work, with the exception of General Site Development, and any justification documents that will support the work with the Form SAB 50-04.

The Board will approve reasonable and appropriate site development work which meet common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Saylor Current Construction Costs. The design professional must certify to the district that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

General Site Development provided pursuant to 1859.76(d)(1), sService site and off-site development costs shall be reduced, on a prorated basis, by the percentage of the excess acreage of the site that exceeds the master plan site acreage approved by the CDE.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17072.12 and 17072.35, Education Code.

Amend Regulation Section 1859.83

Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82(a) and (b), 1859.83(b), (c), (d) and (f) and 1859.125(a).

...

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.15, 17077.40, 17077.42 and 17077.45, Education Code.

Amend Regulation Section 1859.163.1

Section 1859.163.1. Preliminary Charter School Apportionment Determination.

The Preliminary Charter School Apportionment shall be separated into two categories, items that may be identified as construction costs versus site acquisition costs.

- (a) The Preliminary Charter School Apportionment for construction costs shall be equal to the lesser of the sum of (1) through (89) below or the amounts in the following chart:

Project Grade Level	Charter School Construction Cost Funding Cap	
	Non-Urban Ineligible for (a)(56) below	Urban Eligible for (a)(56) below
Elementary	\$5 million	\$6.6 million
Middle	\$7 million	\$9 million
High	\$10 million	\$12.9 million

The funding cap for a project containing a combination of grade levels shall be determined based on the pupil cap assigned pursuant to Section 1859.162.

- (1) The amounts shown below for each pupil included in a Preliminary Charter School Application:
 - (A) \$5,870 for each elementary school pupil.

- (B) \$6,214 for each middle school pupil.
- (C) \$8,116 for each high school pupil.
- (D) \$18,703 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
- (E) \$12,509 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the Charter School.
- (3) An amount for site development cost determined, at the option of the Charter School, by one of the following:
 - (A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
 - (B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
 - (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
 - (4) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired or a new school project, determined as follows:
 - (A) \$19,200 per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
 - (B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1). For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the Charter School on the Form SAB 50-09.
 - (C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5).
- (45) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to 1859.83(b)(1) or (b)(2), as appropriate.
- (56) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (45), plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
 - (A) The Charter School has requested an increase for multilevel construction pursuant to (2) above.
 - (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size for a traditional school determined by multiplying the sum of the pupil grants requested on Form SAB 50-09, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form SAB 50-09, as either elementary, middle or high school pupils based on the type of project selected by the district on Form SAB 50-09.
 - (C) The value of the property as determined in Section 1859.163.2(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
- (67) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (1), (2), (3)(C), (4)(A) and (B), (45) and (56) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (78) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4.
- (89) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (1) through (67) above.
 - (b) The Preliminary Charter School Apportionment for site acquisition costs shall be:
 - (1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).
 - (2) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.
 - (c) The total amount calculated in (a) above will be added to any amount calculated in (b) above, which will provide the Preliminary Charter School Apportionment amount.

Subsection (a)(4) of this section shall be suspended no later than January 1, 2008, unless otherwise extended by amendments as adopted by the Board.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.56, Education Code.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/06/06/06)

GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.opsc.dgs.ca.gov.

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/06/06/06)

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at www.opsc.dgs.ca.gov.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 21 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
 - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. ~~Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Sections 1859.71.2 or 1859.78.4:~~
- ef. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- fg. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.opsc.dgs.ca.gov for details and necessary documentation needed in order to determine eligibility.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/06/06/06)

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82(a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82(a) and (b) for eligibility criteria. Enter the:

- Therapy area in square feet as provided in Section 1859.72.
- Multilevel classrooms in the P&S pursuant to Section 1859.73.
- Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
 - Enter 50 percent of the actual cost.
 - Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
 - Enter 50 percent of the allowable relocation cost.
 - Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
 - Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).

- Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiently that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83(e).

8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/06/06/06)

9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

11. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

13. Adjustment to New Construction Baseline Eligibility

Complete only for new construction projects:

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made automatically by the OPSC based on information reported by the district on this form.

- a. Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- b. If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

15. Joint-Use Facility/Leased Property

Check the box if:

- a. The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- b. The new construction or modernization grants will be used for facilities located or to be located on leased property.

16. Project Progress Dates

Complete this section for new construction/modernization projects:

- a. Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- b. Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

17. Labor Compliance Program

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

18. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

19. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

20. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

21. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at www.opsc.dgs.ca.gov.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/06/06/06)

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- ☐ New Construction
☐ New Construction (Final Apportionment)
☐ New Construction (Final Charter School Apportionment)
☐ New Construction (Small High School Program)
☐ Modernization
☐ Modernization of California Schools for Deaf/Blind

Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
☐ Site Only (District owned)—New Construction [Section 1859.81.2]
☐ Site Only—Environmental Hardship [Section 1859.75.1]
☐ Design Only—New Construction [Section 1859.81.1]
☐ Design Only—Modernization
☐ Design Only—Modernization of California Schools for Deaf/Blind
☐ Facility Hardship [Section 1859.82(a)]
☐ Facility Hardship [Section 1859.82(b)]
☐ Rehabilitation [Section 1859.83(e)]
☐ Advance Funding for Evaluation and RA

- d. Is this a 6–8 school? ☐ Yes ☐ No

If you answered yes, how many K–6 pupils reported above are sixth graders? _____

- Is this an Alternative Education School? ☐ Yes ☐ No

- e. ☐ Automatic Fire Detection/Alarm System

☐ Automatic Sprinkler System

- ef. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

- fg. ☐ Facility Hardship (no pupils assigned)

3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____

Recommended Site Size (Useable): _____

Existing Acres (Useable): _____

Proposed Acres (Useable): _____

4. ☐ Financial Hardship Request—Must Have Pre-Approval by OPSC**5. New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) _____
Other (sq. ft.) _____

- b. Multilevel Construction (CRS): _____

- c. ☐ Project Assistance

- d. Site Acquisition:

☐ Leased Site

☐ Additional Acreage to Existing Site

☐ Addition to Existing Site

(1) 50 percent Actual Cost: \$ _____

(2) 50 percent Appraised Value: \$ _____

(3) 50 percent Relocation Cost: \$ _____

(4) 2 percent (min. \$25,000): \$ _____

(5) 50 percent DTSC Fee: \$ _____

- e. 50 percent hazardous waste removal: \$ _____

☐ Response Action (RA)

- f. Site Development

☐ 50 percent Service-Site: \$ _____

☐ 50 percent Off-Site: \$ _____

☐ 50 percent Utilities: \$ _____

☐ General Site

2. Type of Project

- a. ☐ Elementary School **Total Pupils Assigned:**
☐ Middle School K–6: _____
☐ High School 7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____
- b. ☐ 50 Years or Older Building Funding (Modernization Only)
Total Eligible Classrooms/Square Footage: _____
Classroom/Square Footage at Least 50 Years Old: _____
Ratio of 50 Years Old Classrooms/Square Footage: _____ %
From 2a above, how many are 50 Year or Older Pupil Grants?
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____
- c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____
9–12: _____
Non-Severe: _____
Severe: _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/06/06/06)

g. Facility Hardship Section 1859.82(a) or (b)

- ☐ Toilet (sq. ft.): _____
- ☐ Other (sq. ft.): _____

h. Replacement area

- ☐ Toilet (sq. ft.): _____
- ☐ Other (sq. ft.): _____

i. ☐ Energy Efficiency: _____ %j. ☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System**6. Modernization Additional Grant Request—Modernization Only**

- a. ☐ Project Assistance _____ %
- b. ☐ Energy Efficiency: _____ %
- c. ☐ Site Development—60 percent utilities: \$ _____
- d. ☐ Separate Apportionment for Reconfiguration
(for Small High School Program only): \$ _____
- e. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System

7. Excessive Cost Hardship Request**New Construction Only**

- ☐ Geographic Percent Factor: _____ %
- ☐ New School Project [Section 1859.83(c)(1)]
- ☐ New School Project [Section 1859.83(c)(2)]
- ☐ New School Project [Section 1859.83(c)(3)]
- ☐ Small Size Project
- ☐ Urban/Security/Impacted Site;
- If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only

- ☐ Rehabilitation/Mitigation [Section 1859.83(e)]: \$ _____
- ☐ Geographic Percent Factor: _____ %
- ☐ Handicapped Access/Fire Code (3 percent)
- ☐ Number of 2-Stop Elevators: _____
- ☐ Number of Additional Stops: _____
- ☐ Small Size Project
- ☐ Urban/Security/Impacted site

8. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

Project meets:

- ☐ Density requirement pursuant to Section 1859.92(c)(3).
- ☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
- ☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

9. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to
Regulation Section 1859.77: \$ _____

13. Adjustment to New Construction Baseline Eligibility—New Construction Only

- a. Additional Classroom(s) provided: K-6: _____
- 7-8: _____
- 9-12: _____
- Non-Severe: _____
- Severe: _____
- b. Operational Grant (HSAA) only: K-6: _____
- 7-8: _____
- 9-12: _____
- Non-Severe: _____
- Severe: _____

14. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No**15. Joint-Use Facility/Leased Property**

- a. ☐ Joint-Use Facility
- b. ☐ Leased Property

16. Project Progress Dates

- a. Construction Contract signed on: _____
- b. Notice to Proceed issued on: _____

17. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

18. Construction Delivery Method

- ☐ Design-Bid-Build
- ☐ Design-Build
- ☐ Developer Built
- ☐ Lease Lease-Back
- ☐ Energy Performance Contract
- ☐ Other: _____

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 07/06/06/06)

19. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

20. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

21. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 16 and 17, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/06/06/06)

- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2).

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 07/0506/06)

GENERAL INSTRUCTIONS

This Form is used to request a preliminary apportionment for the new construction of charter school facilities. This Form may be submitted by either a charter school directly or by a school district on behalf of a charter school, provided the school is within the geographical boundaries of the district. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The charter school must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project through out the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the Office of Public School Construction (OPSC) Web site at www.opsc.dgs.ca.gov "P.T. Number Generator." (Obtain from school district.)

Prior to submitting this Form, the Board must determine or adjust the appropriate district's eligibility for new construction funding on the Form SAB 50-03. If the district that is providing eligibility to the charter school has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file this application until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03. The following documents must be submitted with this Form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).
- Supporting documentation for relocation expenses and Department of Toxic Substance Control (DTSC) costs, if requesting amounts other than the 215 percent standard allowance. See Section 1859.163.2(b).

SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a charter school or a charter school on its own behalf if the charter school has notified both the superintendent and the governing board of its intent to do so in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (c)(1) and (2). The notice shall be sent by certified mail through the U.S. Postal Service and indicate to the school district the number of pupils the charter school intends to apply for. Please indicate method of filing by checking appropriate box. If the eligibility being requested from the school district is on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area.

Prior to submitting a request for a preliminary apportionment the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of \$70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site acquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

This request is available only to Charter Schools that have current financial soundness status from the California School Finance Authority. Charter Schools may apply for a separate amount for the design and for the site acquisition on the same project. Charter Schools may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the OPSC Web site at www.opsc.dgs.ca.gov.

If the charter school or district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (CBEDS) enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01, based on the current year CBEDS enrollment data, and submit it to the OPSC with this Form. The district must also update its eligibility by separation of Special Day Class from regular K-12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).

1. Type of Application

Check the appropriate box that indicates the type of request the Charter School is applying for with this form. If the Charter School is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3 and the site acquisition data in 4b.

2. Type of Project

- Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in an addition to an existing school or a new school project. The amount entered cannot exceed the lesser of district's available new construction baseline eligibility determined on

**APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM**

SAB 50-09 (REV 07/0506/06)

Form SAB 50-03, as adjusted by Section 1859.51 or the limits established in Section 1859.162(c). The amount entered will be the basis for the amount of the Preliminary Charter School Apportionment provided for the project.

- b. Enter the name of the school district where the charter school is physically located.
- c. Is this request an addition to an existing site? Yes or No. If yes, enter school name.

3. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

The proposed Useable Acres requested shall not exceed the net useable acres included in an appraisal, preliminary appraisal or multiplying the pupils assigned by 0.00888 for elementary school pupils, 0.0105 for middle school pupils and 0.01236 for high school pupils. Assign Severely Disabled and Non-severely Disabled Individuals with Exceptional Needs as either elementary, middle or high school pupils based upon the type of project selected in item 1. See Section 1859.74.1.

4. Increase in Preliminary Apportionment

Complete the appropriate Sections if the district is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

- a. Check the box if the district request additional funding due to multilevel construction. See Section 1859.163.1(a)(2).
- b. Site Acquisition:
 - (1) Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the charter school site.
 - (2) To determine an allowance for relocation cost and DTSC cost, the charter school may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the charter school must submit appropriate documentation to support the amount reported.
 - (3) Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).
- c. To determine an allowance for site development, the charter school may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the district must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

In addition, check the box if the district is requesting General Site Development pursuant to Section 1859.163.1.

- d. Check the box if this request is for a small size project. See Section 1859.163.1(a)(45).
- e. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(56).
- f. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(62).

5. Priority Order

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same school district.

6. Charter School Information

The information requested in (d) and (e) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.

- a. Enter the charter school enrollment currently being served by the applicant for the purpose of calculating if the Charter School is Small, Medium, or Large. See Section 1859.2.
- b. Indicate if the charter school operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2.
- c. Enter the locale code of the charter school as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.
- d. To determine if the charter school is low income, enter the percentage of pupils at the charter school participating in the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).
- e. If the charter school has submitted an additional application for this project under the requirements of Section 1859.162.1, enter the application number for that project.

7. Certification

The authorized representative for the charter school, or the school district representative on behalf of the charter school must complete this certification section.

- Part A – The authorized representative for the charter school, must complete this section if filing on its own behalf; or,
- Part B – The authorized school district representative must sign and date if filing on behalf of the charter school.

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 07/0506/06)

The school district or charter school named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

☐ SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL	☐ CHARTER SCHOOL APPLYING ON ITS BEHALF	PRELIMINARY APPLICATION NUMBER
PROPOSED PROJECT NAME		PROJECT TRACKING NUMBER
COUNTY		HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE)
SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION		

1. Type of Application—Check Only One

- ☐ Preliminary Charter School Apportionment
☐ Site Acquisition Costs [Section 1859.164.2(b)]

2. Type of Project

- a. ☐ Elementary School Pupils Assigned:
☐ Middle School K-6 _____
☐ High School 7-8 _____
 9-12 _____
 Non-Severe _____
 Severe _____

- b. Name of school district that pupils are coming from: _____
- c. Addition to existing site? ☐ Yes ☐ No
 If yes, enter school name: _____

3. Number of Classrooms/Useable Acres

Number of Classrooms: _____
 Existing Acres (Useable): _____
 Proposed Acres (Useable): _____

4. Increase in Preliminary Apportionment

- a. ☐ Multilevel Construction
- b. Site Acquisition:
 (1) 50 percent appraised value or median cost: \$ _____
 Enter the nearest street intersection to the Charter School
 General Location if determined by median cost: _____

- (2) Relocation/DTSC Cost:
☐ 15 percent
☐ 50 percent of specific or historical cost: \$ _____
- (3) Hazardous material clean-up: \$ _____

c. Site Development

- ☐ \$70,000 per proposed useable acre
☐ 50 percent of specific or historical cost: \$ _____

☐ General Site**d. ☐ Small Size Project****e. ☐ Urban Allowance**f. ☐ Geographical Percentage Factor: _____ %**5. Priority Order**

6. Charter School Information

- a. Current charter school enrollment: _____
- b. Is charter school not for profit? ☐ Yes ☐ No
- c. Enter locale code of charter school: _____
- d. Free/Reduced Lunch: _____ %
- e. Additional Application Number: # _____

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT**SCHOOL FACILITY PROGRAM**

SAB 50-09 (REV 01/05/06/06)

7. Certification

I certify that the information reported on this form is true and correct and that:

- ☐ I am an authorized representative of the charter school designated by the governing board or equivalent authority of the charter school and have notified both the Superintendent and the governing board of the school district in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,
- ☐ I am an authorized school district representative submitting this application on behalf of a charter school pursuant to Education Code Section 17078.53 (c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the school district.
- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the charter school on, _____; and,
- The charter school has or will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The charter school has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The charter school will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered for the service of any architect, structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The charter school has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This charter school has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,

- The charter school understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,
- The charter school acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the charter school has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The charter school understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The charter school has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

Part A. Charter School Filing on its Own Behalf

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

Part B. School District Filing on Behalf of Charter School

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
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EMERGENCY

ORIGINAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 06-0901-01E
For use by Office of Administrative Law		2006 SEP -1 AM 10:38 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Food and Agriculture		AGENCY FILE NUMBER (If any) PH0650	

FILED
in the office of the Secretary of State
of the State of California

SEP 05 2006

At 2:14 O'clock P M.
Skustaginis

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Mediterranean Fruit Fly Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT
	AMEND 3406(b)
TITLE(S) 3	REPEAL

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)	☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)	☒ Emergency (Gov. Code, § 11346.1(b))	☐ Emergency Readopt (Gov. Code, § 11346.1(h))	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.				
☐ Print Only	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	☐ Other (specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))		
☐ Effective 30th day after filing with Secretary of State	☒ Effective on filing with Secretary of State	☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify) _____		

7. CONTACT PERSON Stephen S. Brown	TELEPHONE NUMBER () 654-1017	FAX NUMBER (Optional) () 654-1018	E-MAIL ADDRESS (Optional) sbrown@cdfa.ca.gov
---------------------------------------	----------------------------------	---------------------------------------	---

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

VBrown

TYPED NAME AND TITLE OF SIGNATORY

Valerie Brown, Deputy Secretary

DATE

Sept 1, 2006

Amend Section 3406(b) to read:

(b) Quarantine Area. The area under quarantine for Mediterranean fruit fly in California is:

~~(1) Los Angeles and San Bernardino Counties~~

~~———— That portion of Los Angeles and San Bernardino counties in the Rancho Cucamonga area bound by a line drawn as follows: Beginning at the southwestern intersection of the Angeles National Forest boundary line and the San Bernardino National Forest boundary line; then, easterly, northerly, easterly, southerly, easterly, northerly, easterly, southerly, easterly, northerly, easterly, southerly, easterly, northerly and easterly along the San Bernardino National Forest boundary line to its intersection with East Etiwanda Creek; then, southerly and southeasterly along East Etiwanda Creek to its intersection with Wilson Avenue; then, easterly along Wilson Avenue to its intersection with Summit Avenue; then easterly along Summit Avenue to its intersection with Cherry Avenue; then, southerly along Cherry Avenue to its intersection with U.S. Interstate 15; then, southwesterly along U.S. Interstate 15 to its intersection with East Avenue; then southerly along East Avenue to its intersection with State Highway 66; then easterly along State Highway 66 to its intersection with Cherry Avenue; then, southerly along Cherry Avenue to its intersection with Slover Avenue; then, westerly along Slover Avenue to its intersection with S. Mulberry Avenue; then, southerly along S. Mulberry Avenue to its intersection with Jurupa Avenue; then, westerly and southwesterly along Jurupa Avenue to its intersection with N. Etiwanda Avenue; then, southerly along N. Etiwanda Avenue to its~~

~~intersection with Philadelphia Street; then, westerly along Philadelphia Street to its intersection with S. Milliken Avenue; then, southerly along S. Milliken Avenue to its intersection with E. Riverside Drive; then, westerly along E. Riverside Drive to its intersection with S. Haven Avenue; then, southerly along S. Haven Avenue to its intersection with E. Edison Avenue; then, westerly along E. Edison Avenue to its intersection with Edison Avenue; then, westerly along Edison Avenue to its intersection with Cucamonga Creek; then southerly along Cucamonga Creek to its intersection with Eucalyptus Avenue; then westerly, northerly and westerly along Eucalyptus Avenue to its intersection with San Antonio Avenue; then, northerly along San Antonio Avenue to its intersection with Edison Avenue; then, westerly along Edison Avenue to its intersection with Grand Avenue; then westerly, northwesterly, westerly, southwesterly, westerly, northwesterly, southwesterly, northwesterly, westerly, northwesterly, northerly, northwesterly and northerly along Grand Avenue to its intersection with S. Grand Avenue; then, northerly along S. Grand Avenue to its intersection with E. Badillo Street; then, easterly and northeasterly along E. Badillo Street to its intersection with Badillo street; then, northeasterly along Badillo Street to its intersection with W. Covina Street; then, easterly along W. Covina Street to its intersection with State Highway 57; then, northerly along State Highway 57 to its intersection with State Highway 210; then, easterly along State Highway 210 to its intersection with N. Towne Avenue; then, northerly along N. Towne Avenue to its intersection with Thompson Creek; then, following an imaginary line from the intersection of N. Towne Avenue with Thompson Creek to its intersection with the eastern~~

~~boundary line of Marshall Canyon County Park and Miller Ranch Road; then, northerly, northeasterly, easterly, northeasterly, northerly, northeasterly, northerly, easterly and northerly along the eastern boundary of Marshall Canyon County Park to its intersection with the southern boundary of the Angeles National forest; then, easterly, southerly, easterly, northeasterly, southeasterly, northeasterly, easterly, southerly, easterly, northerly, easterly and northerly along the southern boundary of Angeles National Forest said boundary line to the point of beginning.~~

(12) Santa Clara County

That portion of Santa Clara County in the San Jose area bound by a line drawn as follows: Beginning at the intersection of Camden Avenue and Hillsdale Avenue; then, northeasterly along Hillsdale Avenue to its intersection with Meridian Avenue; then, northwesterly and northerly along Meridian Avenue to its intersection with Dry Creek Road; then, northeasterly, southeasterly, and northeasterly along Dry Creek Road to its intersection with Hicks Avenue; then, northwesterly along Hicks Avenue to its intersection with Robsheal Drive; then, northeasterly along Robsheal Drive to its intersection with Simpson Way; then, southeasterly along Simpson Way to its intersection with Clark Way; then, northeasterly along Clark Way to its intersection with Lincoln Avenue; then, northwesterly along Lincoln Avenue to its intersection with Byerley Street; then, northeasterly along Byerley Street to its intersection with Byerley Avenue; then, northeasterly along Byerley Avenue to its intersection with Bird Avenue; then, southeasterly along Bird Avenue to its intersection with Malone Road; then,

northeasterly along Malone Road to its intersection with Almaden Road; then, northeasterly along Almaden Road to its intersection with San Jose Avenue; then, northeasterly along San Jose Avenue to its intersection with Monterey Highway; then, southeasterly along Monterey Highway to its intersection with Tully Road; then, northeasterly, southeasterly and northeasterly along Tully Road to its intersection with S. King Road; then, southeasterly along S. King Road to its intersection with Aborn Road; then, northeasterly along Aborn Road to its intersection with San Felipe Road; then, southeasterly along San Felipe Road to its intersection with Silver Creek Road; then, southerly along an imaginary line from the intersection of San Felipe Road and Silver Creek Road to its intersection with the intersection of United States Highway 101 and Metcalf Road; then, southwesterly along Metcalf Road to its intersection with Monterey Highway; then, southeasterly along Monterey Highway to its intersection with Bailey Avenue; then, southwesterly, southeasterly, southerly, northwesterly and southwesterly along Bailey Avenue to its intersection with McKean Road; then, southwesterly along an imaginary line from the intersection of Bailey Road and McKean Road to its intersection with the intersection of Mine Hill Road and Alamitos Road; then, southwesterly along Alamitos Road to its intersection with Hicks Road; then, northwesterly, northeasterly, northwesterly, southwesterly, northerly, northwesterly and northeasterly along Hicks Road to its intersection with Camden Avenue; then, northerly and northwesterly along Camden Avenue to the point of beginning.

(continued)

NOTE: Authority: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code.

Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code.

NOTICE PUBLICAT

STD. 400 (REV. '4-99)

CERT

For use by Secretary of State only

ORIGINAL

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-05-1121-04	REGULATORY ACTION NUMBER 06-0727-018	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2006 JUL 27 AM 10:37 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Social Services			AGENCY FILE NUMBER (If any) ORD #1005-16

FILED
in the office of the Secretary of State
of the State of California

SEP 07 2006

At 3:58 O'clock P M.
C. A. Baccari

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

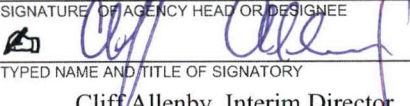
1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 05-#482	PUBLICATION DATE 12-2-2005

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Pgm. Changes, SB 1104 (Ch 229, 2004) and SB 68 (Ch 78, 2005)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 05-1121-01E, 06-0324-01ER	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT See attachment		
	AMEND See attachment		
TITLE(S) MPP	REPEAL See attachment		
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.			
☐ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Other (specify)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) June 21 through July 6, 2006			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d)) ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify)			
7. CONTACT PERSON Alison Garcia, Manager	TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) Alison.Garcia@dss.ca.gov

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 7-25-06
TYPED NAME AND TITLE OF SIGNATORY Cliff Allenby, Interim Director	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.

Notice Publication/Regulations Submission, STD. 400
California Department of Social Services
CalWORKs Pgm. Changes; SB 1104 (Ch 229, 2004) and SB 68 (Ch 78, 2005)
(ORD #1005-16)
Section B.2. Specify California Code of Regulations Title(s) and Section(s):

Manual of Policies and Procedures (MPP)

Adopt Sections: None

Amend Sections: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715,
42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010,
44-111, and 63-407

Repeal Sections: 42-710

Amend Section 11-501.3 (Handbook) to read:

11-501 INCOME MAINTENANCE RESPONSIBILITIES (Continued)

11-501

.3 County Standards

Where statutes or CDSS regulations authorize counties to adopt specific standards which affect an applicant's/recipient's eligibility or grant amount or welfare-to-work activities, including supportive services, such standards shall be in writing and shall be made available to the public upon request.

HANDBOOK BEGINS HERE

Examples of program requirements for which counties are to develop written standards include but are not limited to the following: (1) definition of what constitutes regular school attendance and good cause criteria, under Sections 40-105.5(a) and (f); (2) extending the work exemption based upon caring for a young child, under Section 42-712.47; (3) diversion program requirements, under Section 81-215.32; (4) child care for other required activities or for children not in the AU, under Sections 47-201.12 and 47-401.45; and (5) continuing case management services and/or supportive services for former recipients, under Section 42-717.1.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10603, Welfare and Institutions Code.

Amend Section 42-302 to read:

42-302 60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS

42-302

.1 60-Month Time Limit (Continued)

.11 Exceptions (Continued)

.114 Unable to Maintain (Continued)
 Employment or
 Participate

 (a) (Continued)

 (1) (Continued)

 (A) For purposes of this section, a sanction received while the individual was a volunteer in the CalWORKs welfare-to-work program pursuant to MPP Section 42-712.51, or an aid recipient in another state shall not be considered a welfare-to-work sanction. (Continued)

 (b) (Continued)

 (1) (Continued)

 (A) (Continued)

HANDBOOK BEGINS HERE

Example of an individual who is able to maintain employment and is participating for less than the required 32 or 35 hours per week: Due to a business slowdown, a recipient, who has received 58 countable months of aid, had her hours of unsubsidized employment reduced from 38 hours to 25 hours per week. Another appropriate welfare-to-work activity including, but not limited to job search, that would allow her to meet the 32- or 35-hour per week participation requirement and is consistent with her plan, does not

become available before the recipient reaches her 60-month time limit. Although the recipient is not participating for the required number of hours, she is not subject to a sanction and is considered able to maintain employment. (Continued)

HANDBOOK ENDS HERE

(2)

(Continued)

.3 Requesting Exemptions/Exceptions

An applicant or a recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption to the 60-month time limit, as specified in MPP Sections 42-712 and 42-302.21 or an exception to the 60-month time limit as specified in 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form, if necessary to complete the request. (Continued)

.31 Exemption/Exception Request Form

The form to request an exemption or exception shall include, but is not limited to, the following:

(a)

A description of the exemptions to the CalWORKs 60-month time limit, provided in MPP Section 42-302.21, and a description of the 60-month time limit exceptions, provided in MPP Section 42-302.11. (Continued)

Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 11266.5, 11454, 11454(e) and (e)(5), 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code, Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-701 to read:

Post-hearing: Amend Section 42-701.2(c)(4) to read:

42-701 INTRODUCTION TO WELFARE-TO-WORK

42-701

HANDBOOK BEGINS HERE

.1 Background

The California Work Opportunity and Responsibility to Kids (CalWORKs) Act became operative in 1998. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment. (Continued)

- (c) Mandatory core welfare-to-work participation hours. Unless exempt, adult recipients are required to participate in at least a minimum average of 20 hours per week of core welfare-to-work activities. The balance of their 32- or 35-hour per week participation requirement shall be spent in either core or non-core activities. All welfare-to-work activities will be assigned based upon the recipient's assessment and will aid recipients in obtaining employment. (Continued)

HANDBOOK ENDS HERE

.2 Definitions for Terms Used in This Chapter (Continued)

- (c) (1) (Continued)

- (4) "Core Welfare-to-Work Activities" means any of the following welfare-to-work activities: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, work experience, on-the-job training, grant-based on-the-job training, supported work or transitional employment, work study, self-employment, community service, vocational education and training programs for up to 12 cumulative months (pursuant to Section 42-716.211), and job search and job readiness assistance. Adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, education directly related to employment, and mental health, substance abuse, and domestic abuse services can count as core hours pursuant to Section 42-716.23.

- (5) (Continued)

- (6) (Continued)

- (n) (1) "Non-core Welfare-to-Work Activities" means any of the following welfare-to-work activities: adult basic education, job skills training directly related to employment, education directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, mental health, substance abuse, domestic abuse services, vocational education and training programs beyond the 12-month limit, other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance.
- (o) (Continued)
- (u) (1) "Universal Engagement" means non-exempt individuals are required to participate in welfare-to-work activities by signing a welfare-to-work plan within the time frames specified in Section 42-711.62.
- (v) (1) (Continued)

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.8(c), (d), and (e), 11322.9, 11324.6, 11324.8, 11325.21, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)5.

Repeal Section 42-710:

Amend Section 42-711 to read:

Post-hearing: Amend Section 42-711.63 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS 42-711

.1 Program Information for Applicants (Continued)

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following: (Continued)

.112 Provide the individual, in writing and orally as necessary, with information including: (Continued)

(b) A description of the core and non-core welfare-to-work activities, the core requirement, and when the non-core activities may count toward the core requirement.

(c) (Continued)

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.

(a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

.412 (Continued)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month in welfare-to-work activities for an minimum average per week of 35 hours.

(a) A minimum average of 20 hours per week of participation must be in one or more core welfare-to-work activities, as specified in Section 42-716.2.

- (b) Both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent's participation is a minimum average of 20 hours per week.

- (1) If both parents contribute to meeting the 35-hour participation requirement, the parents may split the 20-hour per week participation requirement for core welfare-to-work activities.

.422 (Continued)

.5 Assignment of Recipients to Welfare-to-Work Activities (Continued)

.52 Appraisal (Continued)

.522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:

- (a) The requirement to participate in available welfare-to-work activities up to the time limit specified in Section 42-716.11 and for the required number of participation hours pursuant to Sections 42-716.2, .21, and .22. (Continued)
- (d) A statement that the participant has the following grace periods:
 - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.646.
 - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.647. (Continued)

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment in accordance with Section 42-716.11, if: (Continued)

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment: (Continued)

- (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.

- (1) The recipient shall be allowed to continue in the program up to the time period specified in Section 42-716.11, if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan. (Continued)

.544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.31(a) through (j), inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement. (Continued)

.546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.

.547 Any recipient may continue until the beginning of the next educational semester or quarter break in his or her educational program that does not meet the criteria of Section 42-711.541, if (Continued)

.548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

- (a) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education provided: (Continued)

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, 42-711.558, and 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421; (Continued)

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Sections 42-711.411 or .421, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716.31. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan.
(Continued)

.58 Evaluation (Continued)

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.31 including referrals to the participant's previous activities.

.6 Welfare-to-Work Plan and Universal Engagement

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

.611 The plan shall include the activities and services, to be provided pursuant to Section 42-716, that will move the participant into employment and toward self-sufficiency. (Continued)

.62 Except as specified in Sections 42-711.621 and .622, a non-exempt individual shall enter into his or her welfare-to-work plan after assessment, but no more than 90 days after the date that the individual's eligibility for aid is initially determined or the date that the individual is required to participate in welfare-to-work activities pursuant to Sections 42-711.623(c) or (d), unless the individual meets an exemption criterion as specified in Section 42-712.4 or is otherwise not required to sign a welfare-to-work plan.

.621 The individual may enter into his or her welfare-to-work plan with the CWD as late as 90 days after the completion of job search if job search, as defined in Sections 42-701.2(j)(2) and (3), and as specified in Section 42-711.53, is initiated within 30 days after the individual's eligibility for aid is determined or

the date the individual is required to participate pursuant to Section 42-711.623.

- (a) Job search is considered to be "initiated" when an individual begins attending an allowable job search activity.

.622 The 90-day period specified in Section 42-711.62 and the 30-day period specified in Section 42-711.621 do not include the following:

- (a) Time in good cause, compliance, and sanctioning processes pursuant to Section 42-721, including the participation time in activities to end a sanction.
 - (1) "Time in good cause" pursuant to Section 42-711.622(a) includes time when the individual notifies the county in advance that he or she cannot attend an assigned activity and the county determines that the individual has good cause.
- (b) Time between the date a learning disability evaluation appointment is scheduled and the date the county receives the final report, up to a maximum of 90 days. After the final report from the learning disability evaluator is received by the county, or on the 91st day if the final report has not been received, the 30- and 90-day periods resume.

.623 Except for Sections 42-711.621 and .622, the 90-day and 30-day time frames start as follows:

- (a) The date of the notice of action that informs a non-exempt individual of his or her initial eligibility for aid when he or she is eligible for aid on the date of application.
- (b) The date a non-exempt individual begins receiving aid when the individual is initially ineligible for aid on the date of application and the county has determined that he or she will be eligible for aid within 60 days in accordance with Section 40-171.11.
- (c) The date an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan developed and the county knows this date in advance.
- (d) The date the county learned an individual is required to participate in welfare-to-work activities when he or she has been receiving aid but was not required to have a welfare-to-work plan and the county does not know this date in advance, but no longer than 30 days from the date the individual was required to participate.

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- .624 Example 1: An individual, upon receipt of aid, was granted a 6 month exemption from welfare-to-work participation due to the birth of a child; therefore, she will not be required to sign a welfare-to-work plan until after her exemption ends on June 15. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from June 16 pursuant to Section 42-711.623(c).
- .625 Example 2: An individual's 90-day period in which the county must develop her welfare-to-work plan begins on the date she is eligible for aid. Forty days into the 90-day period she is diagnosed with a medical condition and is exempted from participation for four months, until November 5. The county must develop, and have the individual sign, a welfare-to-work plan no later than 90 days from November 6 pursuant to Section 42-711.623(c).
- .626 Example 3: An individual's 90-day period in which the county must develop his welfare-to-work plan begins the date he is eligible for aid. Thirty days into the 90-day period, and prior to assessment, the individual finds a job and begins participating for a sufficient number of hours of unsubsidized employment to meet the work participation requirement and is not required to sign a welfare-to-work plan. Six months later the individual loses his job, through no fault of his own, and is required to sign a plan. The county has 90 days to develop, and have the individual sign, a welfare-to-work plan, pursuant to Section 42-711.623(c) or (d), depending on the date the county learns of the individual's job loss.
- .627 Example 4: An individual has been receiving aid for two years. Prior to assessment she was participating in sufficient hours of unsubsidized employment to meet her work participation requirement and not required to sign a welfare-to-work plan. During the county's monthly monitoring of the individual's participation, on June 8, the county discovered that she lost her job on May 27. Because the county learned of the individual's job loss within 30 days of its occurrence, the county has up to 90 days from June 8, to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).
- .628 Example 5: Identical circumstances as in Example 4, except that the individual lost her job on April 27. Because the county learned of the individual's job loss after the 30-day period, the county has up to 90 days from May 27 to develop, and have the individual sign, a welfare-to-work plan pursuant to Section 42-711.623(d).

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.63 A participant shall take part in one or more welfare-to-work activities for the required minimum hours as specified in Section 42-716.2, and as provided in the welfare-to-work plan. (Continued)

.64 (Continued)

.641 (Continued)

.642 (Continued)

- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such participation hours by the parent shall count toward the required hours of participation specified in Sections 42-711.411 or .421, and as non-core hours as allowed under Section 42-716.22.
- (b) The plan shall outline how hours of participation in core and/or non-core welfare-to-work activities satisfy the participation requirements pursuant to Section 42-716.2.

.643 (Continued)

.644 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as defined in Section 42-716.31(k).

.645 (Continued)

.646 (Continued)

.647 (Continued)

.648 (Continued)

.65 (Continued)

.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan. The reappraisal shall evaluate whether there are extenuating

circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area. (Continued)

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination, the participant must participate in activities that are limited to the following: (Continued)

- (b) Work experience as defined in Section 42-701.2(w)(3). (Continued)
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.4, 42-716.5, and 42-716.31(q), respectively. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454, 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

Amend Section 42-712 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712
(Continued)

.5 Any individual who is not required to participate may volunteer to participate in welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.

.51 For purposes of Section 42-712.5, a volunteer participant is as follows:

.511 An individual who is exempt pursuant to Sections 42-712.41 through .49, but who volunteers to participate; or

.512 An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .49, but who volunteers to participate.

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(a) For example, in a two-parent assistance unit, whose basis for aid is unemployment, the second parent is not required to participate when the first parent is meeting the required participation hours but may participate as a volunteer.

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.6 (Continued)

.61 (Continued)

.62 (Continued)

.63 (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 42-713 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING (Continued)

42-713

- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following: (Continued)
- .22 The applicant or recipient is a victim of domestic abuse.
- .221 CalWORKs Program requirements, including the time limits on receipt of assistance described in Section 42-302, and welfare-to-work requirements described in Section 42-711 may be waived, except as specified in Section 42-715.511, for an individual who is a victim of domestic abuse (as defined in Section 42-701.2(d)(3)) on a case-by-case basis, but only for as long as domestic abuse prevents the individual from obtaining employment or participating in welfare-to-work activities, in accordance with Section 42-715. (Continued)
- .4 An individual who is excused from welfare-to-work participation for good cause is subject to the 60-month time limit in Section 42-302.
- .41 A CWD may waive the 60-month time limits for victims of domestic abuse as provided in Section 42-713.221(a).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Section 42-715.512(a) to read:

42-715 DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS 42-715
(Continued)

.5 Waiver of Program Requirements

.51 A county may waive any program requirement, except as specified in Section 42-715.511, for a recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause exists, as specified in Section 42-713.22. (Continued)

.512 Program requirements that may be waived include, but are not limited to:

(a) Time limit on receipt of assistance; (Continued)

.52 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11454, 11495, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

Amend Section 42-716 to read:

Post-hearing: Amend Sections 42-716.11, .23, .241, .263, and .31(j)(1) to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities pursuant to Section 42-716.31, as needed to obtain employment.
- .11 Individuals may participate in activities pursuant to Section 42-716.2 for up to the 60-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7.
- .2 Except for exempt individuals, individuals who are enrolled in self-initiated programs in accordance with Section 42-711.54, individuals who have been granted domestic abuse waivers in accordance with Section 42-715.5, individuals receiving family reunification services in accordance with Section 42-711.61, or 19-year-old custodial parents without a high school diploma in accordance with Section 42-711.31, to fulfill participation requirements:
 - .21 An individual must participate for a minimum average of 20 hours per week in one or more core activities, as described in Sections 42-716.31(a) through (j), (m), and (n).
 - .211 Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's 60-month time limit on aid.
 - (a) This 12-month limit begins on the first day of the month in which an individual begins vocational education and training as part of a welfare-to-work plan signed on or after December 1, 2004.
 - (1) A month in which an individual participates in at least an average of 20 hours of core activities per week as described in Sections 42-716.31(a) through (j), and (n), shall not count toward the 12-month limit on counting vocational education and training as a core activity, when the individual is also assigned to vocational education and training as part of a welfare-to-work plan.
 - .22 The remaining hours, up to 12 hours for an adult in a one-parent assistance unit pursuant to Section 42-711.411, or up to 15 hours for an adult in a two-parent assistance unit pursuant to Section 42-711.421, may be comprised of any of the welfare-to-work activities described in Section 42-716.31.

.23 Hours spent in specified non-core activities [mental health, substance abuse, and domestic abuse services, as described in Sections 42-716.31(q), and classroom, laboratory, and internships in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment, as described in Sections 42-716.31(k), (l), (o), and/or (p) respectively] in excess of those that can be accomplished within the non-core hours ~~can~~ shall count as core hours if:

.231 The county has determined that the assigned participation, if any, in mental health, substance abuse, and domestic abuse services is necessary for the individual to participate in core activities; and

.232 The assigned participation hours, if any, in classroom, laboratory, and internship activities in adult basic education, job skills training directly related to employment, satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, and education directly related to employment programs meet the criteria listed below:

- (a) The program leads to a self-supporting job.
- (b) The individual is making satisfactory progress.
- (c) The individual does not possess a baccalaureate degree unless he or she is pursuing a California regular classroom teaching credential.
- (d) The program is on the county list of programs that the county and local agencies agree will lead to employment in accordance with Section 42-711.543(b).
 - (1) If the program is not on the county-approved list, the county must continue to provide the individual with the opportunity to demonstrate, in accordance with Section 42-711.543(b)(1)(A), that completion of the program will lead to self-supporting employment.

.24 Additional conditions on counting hours spent in non-core activities as core hours.

.241 Non-core hours spent in other activities necessary to assist an individual in obtaining unsubsidized employment, and participation required of the parent by the school to ensure the child's attendance, as specified in Sections 42-716.31(r) and (s), shall not prevent an individual from counting hours spent in those non-core activities described in Section 42-716.23 as core hours.

.242 Hours spent in vocational education and training, as a non-core activity, as specified in Section 42-716.31(m), shall prohibit an individual from counting non-core hours as described in 42-716.23 as core hours.

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.25

Example 1: An adult in a one-parent AU does not meet welfare-to-work exemption criteria. She must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core welfare-to-work activities. A combined 18 hours of substance abuse and mental health treatment (8 and 10 hours, respectively) are necessary for her to participate in her core welfare-to-work activity. Because only 12 of the necessary 18 hours of treatment can be accomplished as non-core participation hours, the remaining six hours of substance abuse services are counted toward her core requirement. The individual must then participate for 14 hours in a core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	14			14
Substance Abuse		6	2	8
Mental Health			10	10
Total Hours of Participation				32

Example 2: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of his 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (computer training) to assist him to obtain a self-supporting job as an office clerk, and the training meets the necessary criteria to qualify as a core welfare-to-work activity. Because only 15 of the necessary 20 hours of job skills training can be accomplished as non-core participation hours, the remaining five hours of training are counted toward his core requirement. He must then participate for 15 hours in a core activity to fulfill his 35-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	15			15
Job Skills Training		5	15	20
Total Hours of Participation				35

Example 3: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of classroom, laboratory, or internship activities in a job skills training program (mechanical drawing program that meets all specified criteria) to obtain a self-supporting job as a draftsman. Eight hours of substance abuse treatment is also necessary for the individual to participate in her core activity. Because only 12 of the necessary 28 hours of educational activities and substance abuse treatment can be accomplished as non-core participation hours, the remaining 16 hours in these activities are counted toward her core requirement. She must then participate for four hours in another core activity to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	4			4
Job Skills Training		16	4	20
Substance Abuse Treatment			8	8
Total Hours of Participation				32

Example 4: A non-exempt individual needs 32 hours of short-term substance abuse treatment services per week and is registered in a residential treatment facility as part of his welfare-to-work plan. Since all 32 hours of the substance abuse treatment services cannot be accomplished as non-core participation hours, 20 hours of the substance abuse treatment are counted as a core activity. The individual, therefore, is fully meeting his 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Total Hours of Participation
Substance Abuse		20	12	32

Example 5: An adult in a one-parent AU does not meet welfare-to-work exemption criteria and must participate in at least 20 hours of core welfare-to-work activities per week. The balance of her 32-hour participation requirement must be spent in either core or non-core

activities. She needs eight hours of substance abuse treatment services in order to participate in core activities. The individual is currently in her 12th month in a vocational education program which she attends for 24 hours per week. Since participation in a post 12-month vocational education program cannot be counted as a core activity, the individual's welfare-to-work plan is amended to include 20 hours of work experience, which is consistent with her assessment and continues moving her toward self-sufficiency, to meet her core requirement. Due to the continued need of eight hours of substance abuse treatment, the county can only count four hours of the post 12-month vocational education program as a non-core activity to satisfy the 32-hour welfare-to-work requirement. If the individual wishes to maintain her hours in the vocational education program, any hours beyond the 32-hour participation requirement must be on a voluntary basis.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work Experience	20			20
Vocational Education (after counting as core for 12 months), the additional 20 hours must be on a voluntary basis.			4	4
Substance Abuse			8	8
Total Hours of Participation				32

Example 6: An adult in a two-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 35-hour participation requirement spent in either core or non-core activities. The individual needs 20 hours of education directly related to employment. The family also needs four hours per week of family maintenance activities. Because only 11 of the necessary 20 hours of education directly related to employment can be accomplished as non-core participation hours, the remaining nine hours in this activity are counted toward her core requirement. She must then participate for 11 hours in a core activity to fulfill her 35-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Core WTW Activity	11			11
Education Directly Related to Employment		9	11	20
Family Maintenance			4	4
Total Hours of Participation				35

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.26 For purposes of complying with the requirements in Section 42-716.232, study time hours shall be treated in the following manner:

.261 Study time hours shall count as a core welfare-to-work activity if the individual receives educational credits or units for those hours, the credits and/or units count toward the completion of an individual's degree or certificate program, and the program for which study time is credited also meets the other criteria that allow participation in that activity to count as core hours.

.262 At the county's option, and when specified in the county's CalWORKs plan, non-credit study time hours, whether supervised or unsupervised, can be counted as hours of participation, but only as non-core welfare-to-work activities.

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.263 Example: An adult in a one-parent AU must participate in at least 20 hours of core welfare-to-work activities per week with the balance of her 32-hour participation requirement spent in either core or non-core activities. The individual needs 16 hours of classroom, laboratory, or internship activities of which four hours is credited study time, in an "education directly related to employment" certificate program (~~accounting technician program~~ that meets all specified criteria) to obtain a self-supporting job as an accounting technician. Because study time is credited and counts toward the certificate program, it is considered education directly related to employment. Since only 12 of the necessary 16 hours of educational activities can be accomplished as non-core participation hours, the remaining four hours are counted toward her core requirement. She is also participating in 16 hours of work-study, which is a core activity, to fulfill her 32-hour participation requirement.

	Core Hours	Non-core Hours That Count As Core Hours	Non-core Hours	Hours of Participation
Work-study	16			16
Education Directly Related to Employment		4	12	16
Total Hours of Participation				32

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.3 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.

.31 Welfare-to-work activities may include, but are not limited to, any of the following: (Continued)

(d) Work experience, as defined in Section 42-701.2(w)(3). (Continued)

(2) The maximum hours of participation in unpaid work experience shall be limited as follows: (Continued)

(3) The monthly limit in Sections 42-716.31(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month). (Continued)

(f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.7.

(g) Supported work or transitional employment as defined in Section 42-701.2(s)(3), and pursuant to Section 42-716.7, except that only the grant or the grant savings can be diverted to the employer. (Continued)

(j) Community service as defined in Section 42-701.2(c)(3).

(1) At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.

(A) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

(2) Hours of participation in unpaid community service shall be limited as follows:

(A) A participants in unpaid community service activities whose assistance units includes food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.

(B) A participants in unpaid community service activities whose assistance unit does not include food stamp recipients may participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Sections 42-701.2(g)(2) and 42-716.31(f), only that portion, if any, received as a grant shall be used in this calculation.

(3) The monthly limit in Sections 42-716.31(j)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

(4) Community service activities shall comply with the non-displacement provisions specified in Section 42-720.

(k) (Continued)

(q) Mental health (see Section 42-716.4), substance abuse (see Section 42-716.5), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment. (Continued)

(s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.642(a).

.32 Assignment to an educational activity identified under Sections 42-716.31(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

- .33 Every CWD shall provide an adequate range of the activities described in Section 42-716.31 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4 Mental Health Treatment Services (Continued)

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.41 (Continued)

.411 (Continued)

.412 (Continued)

.413 (Continued)

- .414 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.5.]

.415 (Continued)

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.5 Substance Abuse Treatment Services

.51 (Continued)

.511 (Continued)

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.512 (Continued)

.513 (Continued)

.514 (Continued)

.515 (Continued)

.52 (Continued)

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.6 Job Openings

.61 The employer or sponsor of an employment or training position specified in Section 42-716.31 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

.62 (Continued)

.63 (Continued)

.7 Grant-based OJT

.71 (Continued)

.711 (Continued)

.712 (Continued)

.713 (Continued)

.714 (Continued)

.715 (Continued)

.716 An agreement by the participant acknowledging the participant's obligation to return to the CWD any recovered wages up to the amount of the corrective underpayment paid pursuant to Section 42-716.742.

.72 The CWD shall provide grant-based OJT funded community service positions only if the community service component of the county CalWORKs plan specifies the process by which the CWD will comply with the voluntary consent requirement and lists the languages, other than English, in which written consent will be obtained.

.73 (Continued)

.731 (Continued)

.732 (Continued)

.733 Nothing in this Section 42-716.73 shall preclude an employer from using its own funds to pay a portion of the participant's wages.

.74 (Continued)

.741 Section 42-716.741(MR) shall become inoperative and Section 42-716.741(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
(Continued)

- .742 (Continued)
- .75 (Continued)
- .76 (Continued)
- .761 (Continued)
- .762 (Continued)
- .763 (Continued)
- .764 (Continued)
- .765 That the employer's participation in grant-based-OJT funded job placements may be cancelled pursuant to Section 42-716.771.
- .77 (Continued)
- .771 (Continued)
- .772 (Continued)
- .78 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.7, 11322.8, 11322.9, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, and 11454, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-718 to read:

42-718 OTHER PROVIDERS OF ACTIVITIES AND SERVICES (Continued) 42-718

.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Sections 42-718.212 and .213, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable State and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.31(a) through (r) until either of the following has occurred: (Continued)

Authority Cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 10619, 11320, 11322.62, and 11328.8, Welfare and Institutions Code.

Amend Section 42-719 to read:

42-719 SCHOOL ATTENDANCE

42-719

- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
- .11 Teens ages 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
- .111 The welfare-to-work plan for teens ages 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only. (Continued)
- (b) (Continued)
- .2 Except as exempted in accordance with Section 42-712.422, teens ages 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-711.
- .3 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454, Welfare and Institutions Code; and Section 48200, Education Code.

Amend Section 42-720 to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES

42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Sections 42-716.31(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following: (Continued)

.3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.

.31 The CWD shall notify or ensure that an employment or training provider notifies:

- .311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.31 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

Amend Section 42-721 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS
(Continued)

42-721

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:
(Continued)

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either: (Continued)

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities as defined in Section 42-701.2(c)(3), and in accordance with Section 42-716.31(j)(2). (Continued)

.4 Sanctions

.41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed. (Continued)

.412 (Continued)

.413 Section 42-721.413(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
(Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Amend Section 42-722 to read:

42-722 LEARNING DISABILITIES PROTOCOLS AND STANDARDS 42-722
(Continued)

.6 Learning Disabilities Participation Requirements

.61 Unless exempt pursuant to Section 42-712, an individual with a learning disability must participate for the required number of hours as specified in Sections 42-711.411 or .421. (Continued)

.7 Identifying Participants With Learning Disabilities During Good Cause Determination, Compliance Process and/or Stopping of a Welfare-to-Work Sanction (Continued)

.73 If a learning disability is confirmed through an evaluation for an individual who is attempting to stop his/her welfare-to-work sanction, the county will determine whether the learning disability was a contributing factor to his/her noncompliance.

.731 If the learning disability was a contributing factor to the individual's noncompliance: (Continued)

(c) If the individual chooses to receive aid for the rescinded sanction period, in accordance with Section 42-722.731(b)(1), all months in that period will be counted against the 60-month time limit. (Continued)

.8 Inter-County Transfers of Individuals With Learning Disabilities

.81 (Continued)

.811 (Continued)

.812 (Continued)

.813 (Continued)

Authority Cited: Section 10553, Welfare and Institutions Code.

Reference: Sections 10850, 11320.3(f), 11322.8, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, 11454, and 11454(a) and (b), Welfare and Institutions Code.

Amend Section 42-802.2 to read:

42-802 JOB, TRAINING, AND EDUCATION FOR RCA
 WELFARE-TO-WORK PARTICIPANTS (Continued)

42-802

.2 Work experience as described in Section 42-716.31(d). (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code; and 45
 CFR 400.203.

Amend Section 42-1009.112 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS

42-1009

.1 The SRS Component shall include the following four services and activities.

.11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-716.32.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11322.6 and 13280, Welfare and Institutions Code.

Amend Section 42-1010.1 to read:

Post-hearing: Amend Section 42-1010.1 to read:

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPATION

42-1010

- .1 In addition to the mandatory components specified in Section 42-1009, the SRS Component shall include unsubsidized employment, job search, OJT and at least two of the other activities listed in Section 42-716.31: (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11322.7, Welfare and Institutions Code.

Amend Section 44-111.233 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

.2 Exemption of Earned Income (Continued)

.23 \$225 and 50% Disregard (Continued)

.233 Wages derived from a diverted grant and/or grant savings and paid to CalWORKs recipients who are participants in the grant-based OJT programs specified in Sections 42-716.31(f) and (g) shall not be eligible for the \$225 and 50 percent earned income disregard.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, 11265.2, 11280, 11322.6(f)(3), 11157 (Ch. 439, Stats. of 2002), 11450.5, 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1.

Amend Section 63-407.241(b) (Handbook) to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.2 Work Registration Exemptions and Registration in Substitute Programs (Continued)

.24 CalWORKs Unpaid Community Service and Work Experience

Participants in unpaid community service and work experience activities under CalWORKs shall be considered to be participating in the Food Stamp Workfare Program, subject to the following:

- .241 Such persons shall be subject to all CalWORKs Welfare-to-Work (WTW) Program statutes and regulations, including WTW exemptions, except that, consistent with Section 2029(a)(1) of Title 7 of the United States Code, the hours of participation shall be limited as follows: (Continued)

HANDBOOK BEGINS HERE

- (b) The WTW Program regulations are located in MPP Chapter 42-700. See Section 42-716.31(j) for further instructions on hours of participation for community service. See Section 42-716.31(d) for further instructions on hours of participation for work experience.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.1(d)(2); 7 CFR 273.7; 7 U.S.C. 2014(e); 7 U.S.C 2015(d) and (o); 7 CFR 2025(h); 7 U.S.C. 2029(a)(1) and (e); 7 U.S.C. 2035; Sections 4121(c) and (d) of the Food Stamp Reauthorization Act of 2002 (P.L. 107-171); U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on Simplified Food Stamp Program (SFSP), dated May 22, 1997; SFSP approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000; FNS letters to CDSS dated August 27, 2001 and November 13, 2001 regarding compliance with the food stamp work registration requirements and resumption of food stamp benefits after a disqualification; and FNS policy interpretation dated September 16, 2003.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-06-0320-01	REGULATORY ACTION NUMBER 06-0829-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Social Services			

2006 AUG 29 PM 4:30

OFFICE OF
ADMINISTRATIVE LAWFILED
in the office of the Secretary of State
of the State of California

OCT 12 2006

At 2:44 O'clock P M.
C. A. BaccariAGENCY FILE NUMBER (if any)
ORD #1105-18

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 06-132	PUBLICATION DATE 3/31/2006

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) IHSS Plus Waiver Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT 30-785, et seq. OK per Agency HBS 10/10/06		
	AMEND 30-700		
TITLE(S) MPP	REPEAL		
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.			
☐ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Other (specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) Not Applicable			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))			
☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify) _____			
7. CONTACT PERSON Alison Garcia, Manager	TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) ()	E-MAIL ADDRESS (Optional)

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

8-25-06

TYPED NAME AND TITLE OF SIGNATORY

Cliff Allenby, Interim Director

Amend Section 30-700 to read:

30-700

PROGRAM DEFINITION

30-700

- .1 The In-Home Supportive Services (IHSS) Program provides assistance to those eligible aged, blind and disabled individuals who are unable to remain safely in their own homes without this assistance. IHSS is an alternative to out-of-home care. Eligibility and services are limited by the availability of funds.
- .2 The Personal Care Services Program (PCSP) provides personal care services to eligible Medi-Cal beneficiaries pursuant to Welfare and Institutions Code Section 14132.95 and Title 22, California Code of Regulations, Division 3 and is subject to all other provisions of Medi-Cal statutes and regulations. The program is operated pursuant to Division 30.
- .3 The IHSS Plus Waiver program provides IHSS Plus Waiver services, to eligible Medi-Cal beneficiaries, subject to Medi-Cal provisions, statutes and regulations, pursuant to Welfare and Institutions Code Section 14132.951 and Title 22, California Code of Regulations, Division 3, and is operated pursuant to Division 30.
 - .31 These services are available as described in MPP Section 30-757, when services are provided by a parent of a minor child recipient or a spouse; and/or when the recipient receives a Restaurant Meal Allowance; and/or when the recipient receives Advance Payment for in-home care services.
 - .32 Recipients in any one of the categories described in Section 30-700.31, who have been determined eligible for Medi-Cal, qualify for the IHSS Plus Waiver program.
 - .33 The IHSS Plus Waiver program is a "Section 1115 Demonstration Project" as defined in 42 USC, Section 1315. This demonstration project has been approved for 5 years, beginning August 1, 2004. Eligibility and services are limited to the availability of funds and potential extensions to the demonstration.
- .3 4 Individuals who qualify for both IHSS and PCSP funding shall be funded by PCSP.
- .4 5 All civil rights laws, rules, and regulations of Division 21 shall be complied with in administering IHSS program regulations.

Authority Cited: Sections 10553, ~~and~~ 10554, 12300, 14142.95, and 14132.951, Welfare and Institutions Code; ~~and~~ Chapter 939, Statutes of 1992; and 42 USC, Section 1315(a) of the Social Security Act.

Reference: Sections 12300 and 14132.951, Welfare and Institutions Code.

, 14132.951

OK per Agency
HSS
10/10/06

Adopt Section 30-785 to read:

Post-Hearing: Amend Section 30-785(a)(1) to read:

30-785 IN-HOME SUPPORTIVE SERVICES (IHSS) PLUS WAIVER PROGRAM 30-785

(a) Program and Special Definitions

- (1) The IHSS Plus Waiver program will follow the IHSS ~~(IHSS)~~, Program Definitions and Special Definitions, specified in MPP Sections 30-700 and 30-701, unless otherwise specified.

(b) Eligibility

- (1) A person is eligible for the IHSS Plus Waiver who is a California resident, living in his/her own home and is aged, blind or disabled according to Medi-Cal definitions, and:
- (2) Has been found eligible for full-scope federally funded Medi-Cal based upon either:
 - (A) receipt of cash assistance through SSI/SSP, CalWORKs cash aid or Foster Care, or
 - (B) an eligibility determination completed by a Medi-Cal Eligibility Worker for full-scope federally funded Medi-Cal, in accordance with Medi-Cal regulations located at Title 22, California Code of Regulations (CCR), Division 3, Subdivision 1, Chapters 1 and 2, and;
- (3) Has an assessed need, based upon a needs assessment as described in MPP Section 30-761, and;
- (4) Receives at least one of the following:
 - (A) Restaurant Meal Allowance as specified in MPP Section 30-757.134;
 - (B) Advance Pay as specified in MPP Section 30-769.73;
 - (C) Service(s) provided by his/her spouse as allowed in MPP Section 30-763.41; or
 - (D) Service(s) as a minor child provided by his/her parent as allowed in MPP Section 30-763.45, and;
- (5) Any applicable share of cost has been met.
 - (A) In determining the applicable share of cost the following shall apply:

1. Medi-Cal rules regarding share of cost will be followed for purposes of determining Medi-Cal eligibility in accordance with Title 22, CCR, Division 3, Chapter 2, Articles 10, 11 and 12.
2. To the extent a recipient comes within the terms of the supplemental payment program described in Welfare and Institutions Code Section 12305.1, a share-of-cost comparison as described in that section shall be performed. The applicable share of cost for such recipients shall include the supplementary payment authorized in that section.

(c) Process for Determination of Eligibility for IHSS Plus Waiver Services

- (1) The process for determining eligibility for the IHSS Plus Waiver program shall be in accordance with MPP Section 30-755.2.

(d) Need

- (1) Designated county staff shall determine the recipient's level of ability, dependence, physical assistance and need in accordance with MPP Section 30-756.

(e) Program Content

- (1) IHSS Plus Waiver program content shall be the same as the program content expressed in MPP Section 30-757.
 - (A) A person who is eligible for a service provided pursuant to the IHSS Plus Waiver shall not be eligible for any service through the IHSS program.
 - (B) A person who is eligible for all of their services pursuant to the PCSP shall not be eligible for any service through the IHSS Plus Waiver or IHSS programs.

(f) Time Per Task and Frequency Guidelines

- (1) When assessing the need for services the assessed time shall be in accordance with MPP Section 30-758.

(g) Application Process

- (1) The IHSS Plus Waiver application process shall follow the MPP Section 30-759, except for 30-759.3.
- (2) Presumptive disability is determined in accordance with Medi-Cal regulations located at Title 22, CCR, Division 3, Section 50167(a)(1)(C).

(3) Additionally, for those not already determined eligible for full-scope federally funded Medi-Cal, a determination for Medi-Cal eligibility must be completed before final eligibility for the IHSS Plus Waiver can be established.

(4) Intercounty transfers of the IHSS Plus Waiver service case must be coordinated with the intercounty transfer of the Medi-Cal eligibility case.

(h) Responsibilities

(1) IHSS Plus Waiver applicant/recipient and county responsibilities shall be the same as the responsibilities specified in MPP Section 30-760.

(i) Needs Assessment Standards

(1) Services shall be authorized only in cases which meet the conditions established in MPP Section 30-761.1 and eligibility as specified in MPP Section 30-785(b).

(2) Needs Assessments are performed in accordance with MPP Section 30-761.2, except:

(A) A reassessment must be completed prior to the end of the twelfth calendar month from the last assessment.

(3) IHSS staff shall be staff of a designated county department as specified in, MPP Section 30-761.3.

(j) Service Authorization

(1) Authorization for services shall be determined in accordance with MPP Section 30-763.

(k) Individual Providers Compensation

(1) The computation of payment, rate of compensation and employer responsibilities for the IHSS Plus Waiver program shall follow the guidelines specified in MPP Section 30-764.

(l) Cost Limitations

(1) The cost limitations that apply to all payments made for IHSS Plus Waiver services shall follow the guidelines specified in MPP Section 30-765.

(m) County Plans

- (1) Each county welfare department shall develop and submit a county plan to CDSS no later than 30 days following receipt of its allocation, which specifies the means by which the IHSS Plus Waiver program will be provided in order to meet the objectives and conditions within its allocation as specified in MPP Section 30-766.

(n) Service Delivery Methods

- (1) The county shall arrange for the provision of IHSS Plus Waiver through one or more of the Service Delivery Methods as specified in MPP Sections 30-767.11, .12 and .13.

(o) Overpayments/Underpayments

- (1) For purposes of determining overpayments, action on overpayments and demand for repayment for an IHSS Plus Waiver recipient, DHS regulation Sections 50781, 50786 and 50787 (MPP Handbook Sections 30-768.5, .6 and .7) shall apply.

(p) Payrolling for Individual Providers

- (1) Counties shall follow the payrolling-for-individual-providers procedures, specified in MPP Section 30-769, for individual providers who provide services to IHSS Plus Waiver recipients.

(q) Provider Identification

- (1) Proof of provider identification shall follow the guidelines specified in IHSS, Provider Identification, MPP Section 30-776.

Authority Cited: Sections 10553, 10554, 12300, 14132.95, and 14132.951, Welfare and Institutions Code; and 42 USC, Section 1315(a) of the Social Security Act.

Reference: Sections 12300, 12305.1, 14132.95, and 14132.951, Welfare and Institutions Code, and Special Terms and Conditions (STC) for the California IHSS Plus Waiver, granted under Section 1115 Demonstration Project.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-06-0320-03	REGULATORY ACTION NUMBER 06-0401-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
2006 SEP -1 AM 11:14 OFFICE OF ADMINISTRATIVE LAW			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Department of Social Services			

FILED
in the office of the Secretary of State
of the State of California

OCT 17 2006

At 3:13 O'clock P.M.
C. A. Baccon

AGENCY FILE NUMBER (If any)
ORD #0705-12

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 06#132	PUBLICATION DATE 3-31-2006

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Refugee Resettlement Program Policy Amendments		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT AMEND 44-111, 44-211, 69-201, 69-202, 69-205, 69-207, 69-208, 69-209, 69-210, 69-211, 69-212, and 69-213, RS/OAL		
TITLE(S) MPP	REPEAL 69-214, 69-216, 69-302, 69-303, 69-304, 69-305 RS/OAL per 10-17-06 DSS auth letter		
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) ☐ Emergency (Gov. Code, § 11346.1(b)) ☐ Emergency Readopt (Gov. Code, § 11346.1(h)) ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.			
☐ Print Only ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Other (specify)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) N/A			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))			
☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
☒ Department of Finance (Form STD. 399) (SAM §6660) RS/OAL per 10-17-06 DSS auth letter ☐ Fair Political Practices Commission ☐ State Fire Marshal			
☐ Other (Specify)			
7. CONTACT PERSON Alison Garcia, Manager	TELEPHONE NUMBER () 657-2586	FAX NUMBER (Optional) ()	E-MAIL ADDRESS (Optional)

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7-27-06

TYPED NAME AND TITLE OF SIGNATORY

CLIFF ALLENBY, Interim Director

Amend Section 44-111.454 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
 AS INCOME (Continued)

.4 Exclusions or Exemptions of Other Payments and Income (Continued)

.45 Income In Kind (Continued)

.454 Provided by Private Nonprofit Organization

Any income in kind, whether a full or partial item of need, provided on the basis of need by a private nonprofit organization shall be exempt as income.

Private nonprofit organizations are religious, charitable, educational, or other organizations such as described in Section 501(c) of the Internal Revenue Code of 1954, which include but are not limited to the Salvation Army, Red Cross, and churches. (Actual tax exempt certification by IRS is not necessary.)
~~Exemption: Any assistance provided by Voluntary Resettlement Agencies (VOLAG) as part of their resettlement responsibilities must be considered in determining the refugee's eligibility for aid under the Refugee Demonstration Project (RDP) or Refugee Cash Assistance (RCA) program.~~

.46 (Continued)

Authority Cited: Sections 10553, and 10554, and 45 CFR 400.59(d), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, 11280, 11322.6(f)(3), 11157 (Ch. 439, Stats. of 2002), 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1.

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

44-211

.3 Nonrecurring Special Need Payments

.31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:

.312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)

(a) ~~Refugee Cash Assistance (RCA) applicants/recipients are not eligible to receive AFDC homeless assistance as provided in MPP 44-211.5.~~

.32 (Continued)

Authority Cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code; and Statutes of 1995, Chapter 307, Section 24 (AB 908).

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, ~~and 45 CFR 234.60(a)(2)-(11), 45 CFR 400.52;~~ and 42 U.S.C.A., Section 606(b).

Amend Section 69-201.1 to read:

69-201 GENERAL STATEMENT

69-201

- .1 These regulations implement the Federal Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (P.L. 96-212), federal regulations 45 CFR Part 400, and additional instructions issued by the Federal Office of Refugee Resettlement (ORR), in order to provide financial assistance, medical assistance and social services to all refugees in the United States regardless of national origin.
- .2 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400 and 400.5.

Amend Section 69-202 to read:

69-202 ~~IMMUNIZATION AND NATURALIZATION SERVICE (INS)~~ 69-202
UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES (USCIS)

- .1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the ~~INS~~ USCIS, of one of the following statuses:
 - .11 (Continued)
 - .15 Certified as a victim of a severe form of trafficking by the federal Office of Refugee Resettlement (ORR).
 - .16 Eligible family members of a victim of a severe form of trafficking certified by ORR who have a T-2, T-3, T-4, or T-5 Visa.
 - .157 (Continued)
 - .168 (Continued)
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:
 - .21 Any person with an ~~INS~~ USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/Haitian Entrant, or 3) Humanitarian/Public Interest Parolee. (Continued)
- .3 Children of Refugees (Continued)
 - .35 Minor refugee children for whom no legal relationship has been established with an adult, shall be referred to the ~~appropriate local county government agency to establish that relationship~~ agency, contracted with by the State to operate the Unaccompanied Refugee Minor Program, to initiate the establishment of legal custody and/or guardianship, as appropriate, in accordance with applicable State law.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 8 U.S.C. 1182(d)(5)(B), and 45 CFR 400.43; The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-205 to read:

69-205 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA)
(Continued)

69-205

.2 Eligibility Determination

~~AFDC~~ CalWORKs program forms shall be used for eligibility determination, unless alternate forms are approved by CDSS for use by the CWD. (Continued)

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the ~~INS~~ USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation. (Continued)

(d) The month of arrival, as indicated on the ~~INS~~ USCIS Form I-94, or the month of birth is counted as the first month in determining time-eligibility. (Continued)

.3 (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b); The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-207 to read:

69-207 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-207
EDUCATION/TRAINING REQUIREMENTS

.1 General Requirements (Continued)

.15 The CWD shall refer all nonexempt (see Section 69-208.4 207.3 for exempt criteria) RCA applicants and recipients to the local CDSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by CDSS.

.16 (Continued)

.2 EDD Registration Requirements

.21 When it is determined that no available CDSS-funded or CWD-approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD shall refer these nonexempt (see Section 69-207.43 for exemption criteria) RCA applicants and recipients to EDD for registration. The CWD shall use EDD-approved forms for referral, and clearly indicate on the form that the person is a refugee.

.22 (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75, .76, .76(a)(7) and (a)(9), .77, and .78; and 45 CFR 400.80(a)(1), (b) and (c).

Amend Section 69-208 to read:

69-208 CAUSE DETERMINATIONS (Continued)

69-208

.2 Conditions Under Which Cause Determination Shall Be Made (Continued)

.24 Failed or refused to comply with the requirements contained in Sections 69-207.12, 69-207.16 and 69-2087.17; or

.25 Failed or refused to comply with the requirements contained in Section 69-207.~~3~~22.

.3 (Continued)

.4 Good Cause for Failure or Refusal to Meet or Comply with the Registration, Employment and Employment-Directed Education/Training Requirements.

Good cause exists when: (Continued)

1. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-2087.

.5 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 400.83(a)(2); and Dang, et al. v. McMahon, et al., Alameda County Superior Court, No. 623839-9.

Amend Section 69-209 to read:

69-209 PENALTIES FOR FAILURE OR REFUSAL TO ACCEPT 69-209
EMPLOYABILITY SERVICES OR EMPLOYMENT (Continued)

- .2 When, without good cause, an employable nonexempt RCA recipient has refused or failed to meet or comply with the requirements of Sections 69-207.1 and .2, and Sections 69-208.~~67~~, ~~.67~~1, and ~~.78~~, the CWD shall deny or terminate assistance.
- .3 Except as provided in Section 69-207.11, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible. (Continued)
- .4 Notice of Intended Termination (Continued)
 - .42 The CWD shall provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.223, for the determination of good cause, the sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees. (Continued)
 - .44 The CWD shall send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-214.1 (Notices), to a refugee at least 10 days before the date upon which the action is to become effective.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.54; 45 CFR 400.55; 45 CFR 400.82; 45 CFR 400.83(a)(2); 45 CFR 400.211; and Federal Register dated September 1, 1983, 68 FR 46089.

Amend Section 69-210.22 to read:

69-210 NOTICES AND HEARINGS (Continued)

69-210

.2 Hearings (Continued)

.22 ~~An~~ RCA's benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.

.23 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR
 Sections 400.54(a) and (b).

Amend Section 69-211.3 to read:

69-211 AID PAYMENTS (Continued)

69-211

.3 If the CWD is unable to confirm refugee status after checking the individual's documentation, which suggests eligibility, the CWD shall provide cash assistance to the individual verifying refugee status. The CWD shall follow Systematic Alien Verification for Entitlements (SAVE) system procedures for any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting ~~INS~~ USCIS directly. If the CWD is not connected to the SAVE system, a G-845 form (Verification Request - Non-SaveAVE agencies) shall be submitted by the CWD to the local ~~INS~~ USCIS office.

.4 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.52; and 45 CFR 400.66; The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-212 to read:

69-212 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS
AND FRAUD REFERRALS (Continued)

69-212

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Section
400.5249.

Amend Section 69-213 to read:

69-213 UNACCOMPANIED REFUGEE MINORS

69-213

- .1 An unaccompanied refugee minor is a refugee who: (Continued)
 - .12 Is eligible to receive services under the RRP in accordance with MPP Section 69-202.1.
 - .121 Minors who are granted asylum must be reclassified as an unaccompanied refugee minor by the federal Office of Refugee Resettlement (ORR).
 - .122 Minors who are victims of trafficking and any minor family members (children or siblings) do not need to be reclassified but must have a letter from the federal ORR stating they are victims of trafficking.
 - .123 (Continued)
 - .1231 (Continued)
 - .1232 (Continued)
 - .1233 (Continued)
 - .134 (Continued)
- .2 (Continued)
- .3 Procedures for establishing legal responsibility for the unaccompanied refugee minor with an appropriate court, if action by a court is required, shall be initiated by the ~~CWD~~ VOLAG within 30 days after the minor arrives at the location of resettlement. (Continued)
- .5 Placement of unaccompanied refugee minors in foster care shall be made in accordance with ~~Foster Care~~ Child Welfare regulations, Division 301 of the MPP, and eligibility for foster care payments shall be made in accordance with MPP Division 45, Chapter 200.
- .6 In addition to the case planning requirements of Division 301, the ~~CWD~~ VOLAG shall plan for the provision of the following services to unaccompanied refugee minors.
 - .61 Orientation, assessment, and counseling to facilitate the adjustment of the child to American culture; and

.62 Preparation for participation in American society with special emphasis on English language instruction and occupational as well as cultural training as necessary to facilitate the child's social integration and to prepare the child for independent living and economic self-sufficiency;

.63 Preservation of the minor's ethnic and religious heritage; and

.634 (Continued)

.6341 The ~~CWD~~ VOLAG shall send to CDSS:

(a) The initial ORR-3 within 30 days of the minor's placement in the ~~county~~ location of resettlement.

(b) (Continued)

.7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10553, and 10554, Welfare and Institutions Code; California Probate Code Section 1500; ORR State Letter 02-07 dated March 6, 2000; ORR State Letter 01-13; and 45 CFR Part 400, ~~Subpart H~~ Sections 400.110 - 400.120 - Child Welfare Services.

Amend Section 69-214.6 to read:

69-214 TERMINATION OF AID (Continued)

69-214

- .6 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-205.542, .543, and .544.
- .7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 69-216 to read:

69-216 CASE RECORDS (Continued)

69-216

- .2 The case record shall include the following information in addition to that required by CalWORKs program regulations:
 - .21 The Passport or Alien Registration Number which appears on the appropriate ~~INS~~ USCIS form. (Continued)
 - .24 A copy of the I-94 and any other ~~INS~~ USCIS documentation that identifies refugee status and date of entry for each refugee in the assistance unit.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).

Amend Section 69-302 to read:

69-302 CUBAN/HAITIAN ENTRANTS STATUS REQUIREMENTS

69-302

Cuban and Haitian entrants with the following statuses are eligible for RRP benefits. (Continued)

- .4 A national of Cuba or Haiti who has an application for asylum pending with the ~~INS~~ USCIS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.66(a); and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).

Amend Section 69-303 to read:

69-303 TIME-ELIGIBILITY

69-303

Time eligibility for Cuban Haitian Entrant's, including entrant children born in United States resettlement camps, begins with their date of parole (release from ~~INS~~ USCIS custody).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).

Amend Section 69-304 to read:

69-304. TERMINOLOGY

69-304

The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (CalWORKs or SSI/SSP).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 69-305 to read:

69-305 UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS

69-305

- .1 An unaccompanied entrant minor is a Cuban/Haitian entrant who:
 - .11 Meets the age requirements of ~~EAS~~ MPP Section 42-101.1; and (Continued)
- .3 Provisions in Sections ~~69-214.4~~ 213.2 through .8, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10553 and 10554, Welfare and Institutions Code.